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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

-----X

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
vs	:	Civil Action
	:	
SOLVENTS RECOVERY SERVICE OF NEW	:	No. H-79-704
ENGLAND and LORI ENGINEERING	:	
COMPANY,	:	
	:	
Defendants.	:	

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Deposition of ALBERT V. TATRO,  
taken pursuant to the Federal Rules of Civil  
Procedure, at the law offices of Hoppin, Carey &  
Powell, 266 Pearl Street, Hartford, Connecticut,  
before Robert W. Merchant, a Notary Public in and  
for the State of Connecticut on Tuesday, May 12,  
1981 at 9:45 a.m.

## A P P E A R A N C E S :

REPRESENTING THE PLAINTIFF

MICHAEL JOHN PARISE, ESQ.  
Enforcement Division  
Region 1, U. S. Environmental Protection Agency  
John F. Kennedy Federal Building  
Boston, Massachusetts 02203

REPRESENTING THE DEFENDANTS

LOWENSTEIN, SANDLER, BROCHIN, KOHL, FISHER & BOYLAN  
A Professional Corporation  
65 Livingston Avenue  
Roseland, New Jersey 07068  
BY: MARION PERCELL, ESQ., of Counsel

REPRESENTING THE CONNECTICUT FUND for the ENVIRONMENT

DANIEL MILLSTONE, ESQ.  
152 Temple Street  
New Haven, Connecticut  
-and-  
HOPPIN, CAREY & POWELL  
266 Pearl Street  
Hartford, Connecticut 06103  
BY: AUSTIN CAREY, JR., ESQ., of Counsel

REPRESENTING THE SOUTHTONINGTON WATER DEPARTMENT

DAVID P. KELLEY, ESQ.  
25 Berlin Avenue  
Southington, Connecticut 06489

2 MR. PARISE: On the record. Before  
3 we went on the record we talked about stipulations.  
4 We'll enter into the same stipulations that were  
5 entered into at the beginning of James MacGruder's  
6 deposition?

7 MISS PERCELL: Yes.  
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ALBERT V. TATRO, called as a  
witness, having been first duly sworn by  
Robert W. Merchant, a Notary Public in and  
for the State of Connecticut, was examined  
and testified as follows:

## DIRECT EXAMINATION

BY MR. PARISE:

Q Please state your name.

A Albert V. Tatro.

Q And your address?

A [REDACTED]

Q How old are you, Mr. Tatro?

A Forty-seven.

Q Are you presently employed?

A Yes, I am.

Q And where is that?

A Kurtz Farms, Cheshire.

Q What is your employment?

A I am a truck driver.

Q How long have you been with Kurtz Farms?

A Three weeks.

Q Prior to that, where did you work?

A Well, I had various jobs. I worked on a mink  
ranch for about five weeks. Before that I did packaging

and shipping for a while. Prior to that I was with Solvents Recovery.

Q What was the date you left work for Solvents Recovery?

A I believe it was May 13th of last year.

Q Of 1980?

A Yes.

Q And how long had you worked for Solvents Recovery?

A I started there in May of '56.

Q Was there any time from May of 1956 to May of 1980 that you worked anywhere else?

A Yes, in the summer of '58.

Q What was that?

A I worked as a truck driver.

Q Was that for Solvents Recovery?

A No, that was someone else. In fact it was in Vermont.

Q The summer of 1958, so just to get the chronology, you worked for Solvents Recovery from May of 1956 until what time?

A Until May of 1980.

Q Were you still employed by Solvents Recovery when you worked that summer of 1958?

1 A No.

2 Q Was this a layoff or something?

3 A Yes, there was.

4 Q How long were you laid off work?

5 A I believe it was from March until October.

6 Q Was that the only time from May of 1956 to  
7 May of 1980 that you didn't work for Solvents Recovery?

8 A Yes.

9 Q Prior to working for Solvents Recovery, where  
10 did you work?

11 A United States Air Force.

12 Q How long were you in the Air Force?

13 A Four years.

14 Q What did you do in the Air Force?

15 A Mechanic.

16 Q Where were you stationed?

17 A I took basic at Sampson, tech school at Fort Dix.  
18 I was in Korea for a year and I was stationed at Pope in  
19 North Carolina and at Shaw Air Base in South Carolina, and  
20 I was discharged there.

21 Q When you left before going into the Air Force  
22 what did you do?

23 A Farm work.

24 Q Prior to that?

A I started farm work at age 13. Prior to that I went to school.

Q What is your educational history?

A Eighth grade.

Q Where did you go to school?

A Lincoln, Vermont.

Q Did you go to school anywhere else?

A No.

Q How did it come about that you went to work for Solvents Recovery in May of 1956?

A Answered the ad in the paper.

Q Where were you living at that time?

A At the time I had just come to Connecticut, bought a newspaper and the ad was there. That's when I started living here.

Q You had just gotten out of the Air Force?

A No, I got out of the Air Force in October of '55 and I lived in Lincoln, Vermont, until May of '56.

Q Who hired you for work for Solvents Recovery?

A Frank Ciak.

Q What was his position?

A He was the manager.

Q With Solvents Recovery? What was your job, what were you hired to perform?

1 A Chemical operator helper.

2 Q Is that what it was called at that time?

3 A Yes.

4 Q And any other job at that time, was it called  
5 anything other than that?

6 A Not to my knowledge.

7 Q How long were you a chemical operator helper?

8 A About two years.

9 Q From?

10 A From -- let's see. From May of '56 when I went  
11 to work there until March of '58, when I got laid off.

12 Q How did it come about that you came back to work  
13 for Solvents Recovery?

14 A I went back to Vermont for the summer and then  
15 worked construction and it slowed down up there, and I came  
16 back to Connecticut and Ciak found I was in Connecticut and  
17 came back to get me to go to work.

18 Q What did he hire you as when you came back in  
19 1958?

20 A As a chemical operator.

21 Q How long did you remain a chemical operator after  
22 that?

23 A Until I became manager.

24 Q When was that?



1 A Exact date I don't know.

2 Q Take your time.

3 A I was a manager for nine years. I don't know  
4 the dates.

5 Q How long was Frank Ciak manager of the plant?

6 A Until I became manager when he retired.

7 Q You don't know the date?

8 A I don't know the dates.

9 MR. PARISE: Mark this as Exhibit 1.

10 (Map marked Plaintiff's Exhibit 1 for  
11 Identification.)

12 BY MR. PARISE:

13 Q I'm going to ask you to look at this document.  
14 Take your time and see if you recognize it.

15 A It's a layout of the Solvents' property and the  
16 surrounding properties, I believe.

17 Q Do you know who drew this?

18 A No, I don't.

19 Q Have you ever seen it before?

20 A Yes.

21 Q Where have you seen it before?

22 A In the Solvents office.

23 Q Do you know about what time, when that was?

24 A No, I don't.

2 Q Was it recently or was it years ago?

3 A I don't really know when it was.

4 Q Can you give me any idea? Was it in the early  
5 '60s or was it the early '70s or the later '70s, any estimate  
6 of your recognition or recall?

7 A Probably mid to late '70s.

8 Q Just looking that over, take your time, is that  
9 an accurate depiction of the layout of the plant in the  
10 mid to late '70s?

11 A Yes, as far as I know it is.

12 Q I'm going to ask you to take that and using this  
13 pen describe to me what this place is, what this property  
14 looked like in 1956 and that period on, what was there. You  
15 can draw on it if you could start with the building if you  
16 want and what I would like you to do, for example, was there  
17 a building there?

18 A Yes, there was.

19 Q Is that the same building as depicted here?

20 A Yes.

21 Q What else was at the plant besides the building  
22 in 1956 if you can remember back?

23 A Well, there were three stills.

24 Q Where were they located?

25 A Right in here.

Q Would you label that area "A" so that we'll know what we're referring to when we read back the transcript? What else was there?

A Besides the building and three stills --

MISS PERCELL: Could I suggest that he use a red pen because that "A" isn't visible.

MR. PARISE: Okay.

A I believe at that time there was one outside storage tank. I think that was all.

Q Was there an area for storing barrels?

A Yes, there was a drum storage area.

Q Where was that located?

A About in here. It wasn't a very big area.

Q Could you just indicate with a circle the area and then put a letter "B" in the middle of it? Okay. Was there anything else besides the storage tank and the barrel storage area, the stills and the building?

A Yes, there was a dock at the end of the building, unloading and loading dock.

Q Anything else?

A Outside oil tank, yes, a pit behind the still area.

Q Could you draw that and indicate with a circle and then put -- or a square, whatever, indicate that area

2 with the letter "C"?

3 Can you remember anything else?

4 A No, not in '56 when I started there.

5 Q When you started there then there was a sludge  
6 pit on the property?

7 A Yes, there was.

8 Q Do you know how long it had been there?

9 A No, it was there when I started working for  
10 them.

11 Q Was there another pit nearby it?

12 A Not in '56.

13 Q Was there one eventually?

14 A At a later date there was. I don't know the  
15 date.

16 Q Could you indicate where that was and label it  
17 "D"?

18 Okay. At any other time since 1956, since the  
19 first day that you worked there, was there any other pits  
20 besides those two or any other pits that you can recall?

21 A Not that I can recall, no.

22 Q Was there ever a pit inside the building?

23 A Yes. Very small one in the drum washing area.

24 Q Was that there in 1956 when you started working  
25 there?

2 A Yes, it was.

3 Q Can you indicate whereabouts and label it with  
4 the next letter which is "E", I guess. You want to make that  
5 "E" a little bigger?

6 Was there any other pit that you can remember?

7 A There was a very very tiny one down in here but  
8 it was only about a foot, foot and a half square.

9 Q Could you indicate that with the next letter?  
10 You don't have to draw anything, just put the letter there.  
11 Make it a little bigger so that we will be able to see it.  
12 Thanks.

13 Was there ever a pit where the incinerator  
14 eventually was installed?

15 A No, not to my knowledge.

16 Q When was that incinerator constructed?

17 A I believe either '66 or '67 and I'm not sure of  
18 the date, the year.

19 Q We can go back now and can you describe to me  
20 when you first started working for Solvents what did the  
21 area labeled "C", the pit labeled "C", what did that look  
22 like? Can you describe it, size?

23 A A hole in the ground.

24 Q How big?

25 A Oh, 50 by 40.

0007163

Q And about how deep?

A Eight to ten feet.

Q Were the edges straight down or were they inclined,  
how was it constructed?

A It was a slight slope.

Q Was there a wall made out of any material or a  
floor of any material?

A No.

Q Just dug?

A One exception, on the still side there was I  
believe a concrete wall there.

Q How far down did that extend?

A I don't recall.

Q Was this put in after you started work?

A It was there.

Q Did that pit ever get expanded at any time,  
additional room ever dug out?

A It never got expanded except maybe a few inches  
when they were cleaning it.

Q And how was the pit used, what was it called?  
Do you have a name for it?

A Sludge pit.

Q What was it used for?

A To drop still bottoms.

Q How did this process work, could you describe the still process and how materials entered the sludge pit?

A The dirty solvents were charged to the still, the solvent was cooked off and then the residue was dumped into the pits.

Q How was it dumped, would you turn the still over?

A Open a valve.

Q Were there pipes then from the stills to the pit?

A Short ones, yes.

Q That is what the valve was for?

A Yes.

Q And when solvents were charged as you said and the process was underway, could you describe where the solvents would end up, where they -- how did the material leave the still, where did it go?

A It went up in vapor through the line to the condenser and from the condenser it was in liquid form and it got in the tank.

Q Where was the tank that caught it?

A Inside of the building.

Q What was that called?

A A tank.

Q Did it have a name?

A Receiving tank.

Q Is that what it was called?

A Yes.

Q After each still, after a batch of material, how would the material get into the still in the first place, how would you put it in?

A Either by vacuum or by pump.

Q What do you mean by vacuum?

A Vacuum, it was a vacuum created inside of the still and that was sucked in.

Q Was there a hose then leading to the material?

A Yes.

Q In the barrel?

A Yes.

Q Did you ever feed materials into the stills from a bulk tank?

A Various times.

Q How often would that happen?

A I don't know how often.

Q As often as the other procedure with the barrels?

A No, not as often. It increased as time went on because we, you know, business grew and we installed more tanks, obviously.

Q How much material would be left in the still



at the end of a processing of a batch?

A It could range various amounts depending upon the quality of the crude coming in.

Q Was there ever nothing left in the still?

A I've seen it as low as a couple gallons but never nothing.

Q And what would be the maximum amount you have seen in the still?

A I really don't know. I couldn't set an amount on it.

Q How big were the stills for capacity?

A There was a 600 gallon, a 1500 gallon, I believe a 350 gallon. That's in '56 when I started.

Q Did the stills then change?

A The stills changed, yes.

Q What changes occurred with the stills after '56?

A There were two different stills installed, one was taken out.

Q When did that occur?

A I don't know the dates.

Q Was it in the late '70s?

A I really don't know. I really couldn't put a date on them.

Q Was this before you became plant manager or

2 afterwards?

3 A I believe there was two that came in after I  
4 became manager and I think one before.

5 Q What were their capacities or volumes?

6 A One of them was a continuous still, and let's  
7 see, the other one was I believe it was a 600 gallon one.

8 Q Was it a continuous still?

9 A It's a fractionating column.

10 Q How does that work? Do you feed --

11 A It's fed continuously.

12 Q What material would be fed into that?

13 A I believe the only thing that was processed in  
14 that when it was first installed was ethylbenzene, then  
15 later on I think alcohol and acetone. That was about it.

16 Q Would material from that continuous still or  
17 column be deposited in the sludge pit?

18 A Yes, it was.

19 Q And can you give me any estimate at all as to  
20 the largest amounts that have been dumped in the sludge  
21 pit?

22 A No.

23 Q Would this be in the range of gallons?

24 A It would have been gallons, yes.

25 Q Hundred gallons, could it have been a hundred

0007168

gallons or more?

A. At what time?

Q. At any time.

A. Again, you're talking about depending on what type of material you're putting through what the amounts would be.

Q. Sure. At any time, the question is at any time that you used those stills would there be in excess of a hundred gallons of waste material?

A. Yes.

Q. Would it be more than a hundred gallons?

A. Mike, I don't understand what you're getting at.

Q. I want to find out the volumes of material that would end up as still bottoms that would be discharged into the sludge pit.

A. Again in what period of time are you talking about? These are -- don't forget these are batch stills. They dumped at various times.

Q. What do you mean various times?

A. Once the still is finished processing that is dumped in the pit and, yes, it could have been more than a hundred gallons, depending on what it was, what was being processed.

Q. But you did process materials or batches of

2 materials that had a lot of still bottoms?

3 A Yes.

4 Q In other words, do you know what materials they  
5 would be, is it the material or the quality?

6 A The quality of the material.

7 Q What would be the characteristics of the still  
8 bottoms, could you describe it?

9 A Semi-solid.

10 Q Any other description?

11 A Not that I can think of.

12 Q How would it flow out the pipe in the sludge  
13 pit, do you have to use anything like water to get it to  
14 flow out?

15 A No, no. There was a time you had to build up  
16 pressure in the still which was done by steam, you know, to  
17 blow the stuff out.

18 Q Was it completely dry?

19 A No.

20 Q You mentioned that the sludge pit would be cleaned  
21 out. How deep, how full would the sludge pit get?

22 A Full.

23 Q And what would it be filled with besides the  
24 still bottoms?

25 A Still residue, water.

Q Where would water come from?

A There was a water occasionally from the still bottoms.

Q Any other place where water would come from?

A Natural run-off.

Q Was there water from the condenser receiving tank area?

A Not into the pit.

Q Was there water from there but not in the pit?

A That went eventually to, I believe, storm drains and was discharged off.

Q Is there any other material that would get into the pit besides the still bottoms and run-off?

A Not that I can recall, no.

Q The crude material that you would charge the stills with would be, for example, a lot of degreasing used, solvents used for degreasing?

A Yes.

Q Would they have waste oil as one of their --

A Yes, yes, it would.

Q -- characteristics? And would that waste oil be left in the still after you had processed that material?

A No. Waste oil was -- it used to be dumped in the pit, oil salvaging firms would come and pull it off.

Eventually it was -- the later years it was caught and the oil scavengers would take it away.

Q How would the waste oil be separated from the solvents in the process?

A By distillation.

Q At what point in the distillation did the waste oil and the solvents separate and how did the waste oil?

A They separated during the process. You have got it under distillation in order so that when the solvent goes out the oil is ready to be dumped.

Q How did the waste oil leave the still to the --

A Through a pipe, you opened the valve and it was dumped.

Q At that time you dumped the still bottom as well?

A When you are processing degreasing solvent you have distilled bottoms.

Q Was there any other -- was there any -- how did the water leave the still if the material was -- if the solvent had water or --

A That left also with the still bottoms.

Q So the only time that the materials left the still and ended up in the sludge pit would be when you dumped it at the end of the process?

A Yes.

Q At the end of the distillation? How often would the sludge pit get filled up to the brim?

A I believe it could range anywhere from 12 to 18 months.

Q Once every 12 to 18 months, is that what you are saying?

A That's close anyway.

Q Would waste oil be pumped out of the pit on a regular basis?

A Sure. When there was waste oil it had to be pulled off.

Q How often would that be pulled off?

A I don't know.

Q You say that would go to oil scavenger firms?

A Yes.

Q Was that water removed from the pit?

A Yes.

Q As opposed to the --

A Yes.

Q -- removing the sludge? How often would water be removed from the pit?

A Again that could range from every day to every two or three days.

Q How would it be removed?

1 A. By pump.

2 Q. By Solvents' pump?

3 A. We had our own water tank at one time, yes,  
4 water truck.

5 Q. And any other way, anyone else pump it out?

6 A. Yes, eventually.

7 Q. Who was that?

8 A. I really don't remember who did it until we got  
9 our own truck.

10 Q. Can you give me an idea of what time that was?

11 A. I don't have the slightest idea on dates for  
12 that. I really don't.

13 Q. Who would come in and clean out the pit?

14 A. We had a construction outfit in Southington that  
15 came in with a clamshell, which is a crane with a scoop on  
16 the end of it.

17 Q. Do you remember their name?

18 A. I believe it was Mastrianni.

19 Q. Anyone else come in besides Mastrianni's  
20 construction firm?

21 A. I think there was one other but I don't remember  
22 the name. I don't recall the name.

23 Q. You have described the clamshell. How would they  
24 remove the material with the clamshell?  
25



1 A It was picked up, put in dump trucks to dump  
2 it. The dump trucks were lined with plastic before it was  
3 put into them.

4 Q How many loads would there be?

5 A I don't know.

6 Q Did you ever watch them do it?

7 A I helped them do it.

8 Q What would your job be to help them?

9 A Usually put the plastic in the truck.

10 Q That would be it?

11 A Yes.

12 Q What was the purpose of putting the plastic in  
13 the truck?

14 A To keep it from spilling on the highway.

15 Q How far down would they dig out?

16 A To the bottom of the pit?

17 Q Till it was completely empty of sludge?

18 A You know, clean as best they could do it.

19 Q Prior to digging it out would the waste water  
20 be removed?

21 A Certainly.

22 Q And the waste oil?

23 A Yes.

24 Q Do you know where the sludge was put by  
25

Mastrianni or any of the other cleaning people?

0007175

A Yes.

Q Where was that put?

A There were some people that owned a gravel pit there in Southington and it was buried there. In fact, there were two different outfits that took it. And I believe also it went to the Southington landfill at one time, the old landfill.

Q Do you remember -- go ahead.

A Just the one time it went to the landfill.

Q Do you remember the names of the gravel pits?

A Mastrianni and Marek.

Q Do you know how many times it went to those gravel pits?

A No, I don't.

Q When was this pit in operation until, when did it close down?

A After the incinerator was built. Exact time I'm not sure.

Q You testified earlier the incinerator was installed in '66, '67?

A Somewhere in that area, yes.

Q What was done to close down the pit?

A It was cleaned as usual and then it was eventually

filled with gravel.

0007176

Q Anything else?

A Well, eventually after it settled there was concrete put over it.

Q Who did that work if you remember?

A The concrete work? Digging or the final cleaning?

Q The final cleaning.

A No, I don't remember who did the final cleaning.

Q Could it have been Mastrianni?

A It's possible.

Q Was it Solvents' own people, was that possible?

A Solvents didn't have that kind of people.

Q So it wouldn't be Solvents' own people?

A No, it wouldn't.

Q Do you remember who did the fill work, did the same person that did the cleaning do the fill work?

A I don't remember if it was them or if it was -- it could have been Iffland out of Torrington. Again I'm not sure. Iffland Lumber I believe. They also do construction work.

(Letter dated March 29, 1967, marked Plaintiff's Exhibit 2 for Identification.)

Q I ask you to look at this and ask you if you

2 recognize it.

3 A Yes, I've seen it.

4 Q Do you know what the letter is referring to,  
5 what work was being done by Iffland? It does mention a  
6 job but it says "at an additional cost."

7 A Yes. I believe that was the -- that was the  
8 road going down to the incinerator.

9 Q Any other work that you think was being talked  
10 about in this letter besides the road?

11 A Not that I can remember, no.

12 Q Who is Bob Lanyon? He's copied on this letter.

13 A Bob Lanyon, let's see, at that time he was --  
14 I'm not sure what his title was. Manager of manufacturing  
15 perhaps.

16 Q He was a Solvents' employee?

17 A He was a Solvents' employee, yes, he was my boss  
18 at one time.

19 Q Was he there when you first started working?

20 A No.

21 Q Where was he located?

22 A Out of the New Jersey office.

23 Q Do you remember when he was your boss?

24 A No.

25 Q Was it during, prior to Frank Ciak or after

Frank Ciak?

0007178

A After Frank Ciak because Frank Ciak was my boss up until he retired.

Q Okay. You also on this drawing have indicated a pit labeled "D". Can you describe what that pit was used for, what it looked like?

A Eventually at one time it was used for water run-off from the main pit.

Q How would water run off from the main pit?

A There was a pipe that was stuck in or laying at an angle in the pit, so that once the water level reached a certain height the water would come up above the pipe, the water would be allowed to run off which would trap oil in the main pit.

Q I see. How high up would the water get before it hit the pipe and entered the pipe, how high up from the top of the pit?

A Oh, perhaps a foot.

Q Foot from the top. And what was the pit "D" constructed of, the pit labeled "D", was that constructed of anything?

A No.

Q Just a hole?

A Hole in the ground.

0007179

Q How deep and how big?

A I don't recall the size of that. It was smaller than the main pit.

Q Much smaller or --

A It was quite a bit smaller. Again, I don't know the exact size, I don't recall.

Q How full would that get with water?

A That would get full.

Q Was that ever pumped out?

A In the beginning not that I can recall. Eventually it was filled.

Q What would happen when it filled up?

A It would overflow and run off.

Q And you said eventually someone came in and pumped it out?

A Not this one here. This one was only pumped in later years, that was after the run-off that they stopped it.

Q When was pit "D" put in, can you remember?

A I don't remember when that was put in.

Q Was it --

A Or taken out either.

Q Was it a few years after you started working, sometime after you started?

A Sometime after I started working. 0007180

A Do you remember any length of time, years or --

A No.

Q -- anything? And prior to the small pit being put in would the big pit ever overflow?

A I believe it must have. Again I don't recall just what went on when I first started working there. I'm not sure that that lower pit was there or not when I started working there. I don't recall whether it was or not.

Q I'm going to mark this.

(Interdepartmental communication dated 5/25/60 marked Plaintiff's Exhibit 3 for Identification.)

Q Take a look at this, look this over and see if you have ever seen it before.

A I have never seen this document.

Q This describes a visit of the plant. Do you recall this particular visit?

A No.

Q This person writing this document, it's a memo from John R. Orintas to James P. Galligan. And it's from the Fisheries Management and the District Fisheries Biologist is the department. Mr. Orintas describes rainfall

causes a run-off of this material. Do you see that sentence?

A Yes.

Q Towards the railroad tracks and it settles in part in the low area along the track.

A Well, there is a ditch that runs along the railroad tracks.

Q Was that there at the time you started work?

A That's always been there to my knowledge.

Q Is that an accurate statement that -- do you recall the rainfall causing a run-off of the materials towards the railroad tracks?

A The only thing rain ever caused toward the railroad tracks was water.

Q From the sludge pit?

A Natural run-off and from the pit.

Q Put this aside for a second. Do you recall when the secondary pit was closed down?

A No, I don't.

Q Do you know if it was before the big one or after?

A Probably around the same time.

Q Why do you say that?

A I'm not really sure when it was, you know, like



I said when it was closed down had to be before because I believe the Water Resources Commission at that time made us close it down. I think that was when we started trucking the water out, yes. It was before the big pit was closed down. It would have to have been.

Q You said trucking the water out. Do you know where that water was trucked to?

A To the Southington Landfill, the old Southington Landfill.

Q On Turnpike Road?

A Old Turnpike Road.

Q Looking at Exhibit 1, you have also identified a pit labeled "E". Could you describe what that was?

A That was a pit for the drum washing operation. At one time we cleaned our own drums. That pit caught the sludge that came out of the drums, and the sludge was in turn taken from this and dumped into the big pit and basically the sludge coming out of the stills.

Q What would you be washing the barrels with?

A Water and caustic, caustic solution.

(At this time Joanne Foster entered the room.)

MISS PERCELL: Why don't you let the record reflect who just entered the room.

1  
2 MISS FOSTER: Joanne Foster.

3 MR. CAREY: Is there any objection to  
4 her presence?

5 MISS PERCELL: I'm a little bit  
6 annoyed that I wasn't told that a non-attorney  
7 was going to be present. I think there should  
8 have been some discussion about that.

9 It's conceivable that the deponent  
10 might object. It's conceivable his attorney  
11 might object and I think we should have been  
12 told.

13 MR. PARISE: I wasn't aware.

14 MISS PERCELL: I don't understand  
15 why something like that would be done, frankly.

16 MR. CAREY: There may come a time when  
17 it would be appropriate to limit participation  
18 in this deposition, David. You understand my  
19 thoughts on that?

20 MR. KELLEY: Confidential matters?

21 MR. CAREY: Yes.

22 MR. PARISE: We'll be getting into  
23 trade names, company names.

24 MISS PERCELL: Yes, when we reach those  
25 kinds of issues.

1  
2 MISS FOSTER: That's fine.

3 MISS PERCELL: My company would object  
4 and I think the deponent might have reasons to  
5 object.

6 MR. PARISE: Al, you don't have any  
7 lawyer here to represent you, do you?

8 THE WITNESS: I would object because  
9 it's supposed to be a hearing with attorneys  
10 only. That's what I was told.

11 MR. PARISE: Then since the deponent  
12 objects I don't think we should continue with  
13 Miss Foster in the room. I'd ask that she leave.

14 MISS PERCELL: The deponent has no  
15 attorney present to represent him and under  
16 those circumstances I think you have to accept  
17 his personal objection.

18 MR. CAREY: Can we go off the record?

19 (Discussion off the record.)

20 MISS PERCELL: On the record, I repeat,  
21 I'm upset because I wasn't warned, didn't get  
22 an opportunity to think about this. The deponent  
23 didn't get an opportunity to discuss the  
24 situation with his attorney assuming he has one.  
25 I don't know what kind of information is going

1  
2 to come out. I don't know what questions will  
3 be asked.

4 I certainly don't know what the answers  
5 will be and under those circumstances I assume  
6 that we will be discussing proprietary matters  
7 and it may be relevant to the lawsuit, but it is  
8 not the kind of information that should be  
9 divulged to a person who is a party but not under  
10 any obligation not to speak to the press.

11 MR. CAREY: Let me say I wasn't aware  
12 that Miss Foster was going to attend. I have  
13 no position one way or the other. As a party  
14 she may have some claim of rights to be here. I  
15 just make that observation.

16 MISS PERCELL: Not having had the  
17 opportunity to research the general law on the  
18 issue, I don't know, quite frankly, whether she  
19 would formally have an opportunity to be present.  
20 I think in a situation where proprietary  
21 information may come in and where the deponent  
22 himself objects, I just cannot see how she can  
23 remain.

24 MR. CAREY: What is your position?

25 MR. KELLEY: I had discussed it just

1  
2 briefly with Dan when we were having lunch  
3 the other day and I thought we were having  
4 an open conversation that if anybody had an  
5 objection --

6 MISS PERCELL: Didn't come to my  
7 attention.

8 MR. PARISE: Dave, I'm going to be  
9 going into very soon the names of the chemicals  
10 and the companies, and I'm going to -- I'll  
11 probably ask a few questions after that that  
12 aren't proprietary but jumping back and forth --

13 MR. KELLEY: The problem is we are  
14 getting involved with matters that are covered  
15 by the protective order that can be considered  
16 like trade secrets and so forth.

17 MISS FOSTER: At what point?

18 MR. KELLEY: They have a right to have  
19 it confidential.

20 MISS FOSTER: At what point would it  
21 be more appropriate to return?

22 MR. PARISE: It's going to be jumping  
23 in and out all through if the past depositions  
24 are any indication, discussing company names  
25 and the process and the actual chemicals that

1  
2 are processed. I don't think there would be  
3 any point where there would be a long period  
4 of no proprietary information. I think it would  
5 be very often that it would come up. I don't  
6 think it would be very convenient for anyone  
7 to --

8 MISS FOSTER: To have me around?

9 MR. PARISE: Yes, so I don't think we  
10 should be interrupting the proceeding. We  
11 interrupted right now so I think I would  
12 recommend that, Dave, that we just go ahead  
13 and not have her presence here because we're  
14 not going to be able to function.

15 MISS FOSTER: I have no idea what my  
16 rights are. Believe me, I didn't investigate  
17 that before I came. I don't know. I'm a little  
18 concerned that, you know, that this is a type  
19 of proceeding that --

20 MISS PERCELL: I've never been in a  
21 deposition where the party present was not being  
22 deposed or the spouse of the person being  
23 deposed and never had any opportunity to look  
24 into the question of whether a party has a right  
25 to be present. I certainly don't think that a

2 A

0007188 39

1  
2 party has a right to be present in this type  
3 of deposition, however.

4 MISS FOSTER: If that's the general  
5 feeling I'm certainly not going to hold it up.

6 MR. PARISE: I hope you understand.

7 MISS FOSTER: Now I'm going to look  
8 into it a little bit more.

9 (Recess.)

10 MR. PARISE: Back on the record.

11 BY MR. PARISE:

12 Q What I would like to do, could you describe  
13 the barrel storage area that was in existence when you  
14 first came to work for Solvents?

15 A When I first went to work?

16 Q You have labeled "B" on the diagram.

17 A That may not be an exact drawing either but it's  
18 close.

19 The drums were taken off a truck and they were  
20 stored on the ground on their side on the site.

21 Q Were they stored straight up?

22 A No, not when I first went to work there, they  
23 were laying down.

24 Q Was this bare ground?

25 A Yes.

1  
2 Q Why were they laid on their side?

3 A Because at that time we didn't have drum  
4 handling equipment. We didn't have fork trucks and that  
5 kind of stuff. And the drums were taken from the drum  
6 storage area and they were rolled by hand to the still  
7 area and then stood up, and the material was then, you know,  
8 sucked from them into the still for processing.

9 Q How did the drum storage area and procedures  
10 for handling drums change after that, could you describe  
11 the changes?

12 A Well, eventually they started, they purchased  
13 a fork truck. The dock at the end of the building was taken  
14 down. Then the area was -- they put concrete down for drum  
15 storage.

16 Q Do you know what times?

17 A I don't have the slightest idea on dates.

18 Q Did that concrete exist when the sludge pit was  
19 still in existence?

20 A Yes, some of the concrete did. The concrete  
21 drum storage area was done in stages, various stages as the  
22 company grew.

23 Q How often were barrels stored on -- full barrels  
24 stored on bare ground as opposed to the concrete area?

25 A How often? I really couldn't say. Again as the



2A

0007190 41

1 business grew and the concrete storage area ran out of  
2 spaces then we went to the bar ground and then the plans  
3 came about for more storage area.  
4

5 Q From the time that you started working there  
6 until the time that they first put pavement down for the  
7 barrels did you even notice any leaks from the barrels?

8 A There was leaks occasionally, yes.

9 Q Could that have been avoided in any way?

10 A Could it have been avoided? No, it couldn't,  
11 and it probably never will as long as drums are being  
12 handled. There is always going to be a drum that will get  
13 a pinhole in it. This was the purpose of inspections  
14 several times a day to spot these and take care of them.

15 Q When did the inspections begin?

16 A Again I don't know the exact date but the '70s  
17 when several times a day inspections started. There always  
18 was a certain amount of inspection with employees walking  
19 around all the time. They were told to look for these kinds  
20 of things.

21 Q Do you remember when they were told, when they  
22 were first told to look for those things for the first  
23 time?

24 A From the date I went to work we were told to  
25 watch for leaks and stuff. Obviously if the solvent leaked

1  
2 out and whether it was legal or not to let it go, if the  
3 solvent leaked out the company was out of money for  
4 processing.

5 Q At any time did you -- was there a formal  
6 report form for reporting leaks?

7 A Oh, sure.

8 Q When did that --

9 A I don't know the dates on that when that came  
10 about.

11 Q I'm going to show you this.

12 (Packet of daily plant inspections  
13 marked Plaintiff's Exhibit 4 for Identification.)

14 Q Go back to Plaintiff's Exhibit 3. It's an  
15 inspection report.

16 Mr. Orintas writes that: "Also along a higher  
17 bank beside the tracks many drums of various chemicals are  
18 stored. Many of these drums leak. A fire occurred the  
19 previous Thursday along the tracks where the seepage  
20 settles."

21 Could you draw on that Exhibit 1 where the  
22 seepage would occur? Now, first, I should ask you do you  
23 remember was there seepage along the railroad tracks?

24 A I suppose there could have been from back in  
25 earlier years. There could have been.

1  
2 Q Do you remember seeing it?

3 A Yes, I've seen seepage down there but very  
4 very small amounts of it and it was usually cleaned up.

5 Q Was that in the earlier years?

6 A Again I don't know dates.

7 Q Do you remember this fire that he describes?

8 A Yes, there was a fire along the railroad tracks  
9 which was caused by a spark from a train that goes by and  
10 the grass was set on fire and it was a grass fire.

11 Q It wasn't an oil fire?

12 A No, it was not an oil fire or a chemical fire.

13 Q Is that the same fire that he's referring to?

14 A Again I don't know. I suppose it is. There's  
15 only been one there that I know of.

16 Q Looking at Plaintiff's Exhibit 4, would you  
17 look through that?

18 A These are all the same thing?

19 Q It's one stack.

20 A But they're all the same type?

21 Q Yes. I'll look through to make sure.

22 A They're not all the same type I don't believe.  
23 They're not all the same form, basically the same type of  
24 a form.

25 Q Do you recognize them?

2 A Yes.

3 Q This stack of forms? Okay. You mentioned they  
4 weren't all the same type. What do you mean?

5 A They weren't all the same form, they are not the  
6 same type of form. I didn't recognize this when I first saw  
7 it but I know what it was now. They are basically the same.

8 Q Basically the same?

9 A Yes.

10 Q This indicates that the first one is dated the  
11 month of June, '79, very last page. How was this performed,  
12 this inspection, daily inspection for leaks or spills?

13 A That was performed by walks through the drum  
14 storage area.

15 Q And this shows a shift, these hours on each  
16 column and there is a list of hours.

17 A Those are the shifts, yes.

18 Q And what is underneath 8:00 a.m. to 4:00 p.m.  
19 which has "OK, AP"?

20 A The foreman that walked through.

21 Q Does "OK" mean "okay"?

22 A That means there was no spills.

23 Q And who was AP?

24 A That was Alan Peterson, the foreman.

25 Q And underneath plant manager it says "AT." Are

1  
2 those your initials?

3 A Yes.

4 Q Did you put those there?

5 A Yes, I did.

6 Q So an individual person walking around during  
7 that shift would report to Alan Peterson or did he do that?

8 A He done the walking.

9 Q And he would write this down in his handwriting?

10 A Yes.

11 Q And when did you review it?

12 A Various times throughout the day.

13 Q Do your initials mean that you have reviewed  
14 their work? What does that mean?

15 A That could mean I reviewed their work; it could  
16 mean I physically walked the plant.

17 Q At times you did both?

18 A That's right.

19 Q Do you remember who directed you to use this  
20 form, use these forms?

21 A I believe it was Uli Marini.

22 Q Who is Mr. Marini?

23 A Mr. Marini is a manager of manufacturing. He's  
24 also, was my boss.

25 Q Was there any form used prior to these?

1  
2 A To be honest with you I don't know, Mike. I  
3 saw so many forms out there. They throw forms at you by  
4 the thousands so it's hard to tell.

5 You show me some. If I recognize them I'll tell  
6 you.

7 Q In your memory was there another reporting form  
8 for leaks independent of this type of form?

9 A There were several forms at various times. To  
10 the best of my knowledge there was.

11 Q Turn to the week of May 24, 1980, the sheet.  
12 Turn to November 26, '79.

13 MISS PERCELL: What was that date?

14 MR. PARISE: November 26, 1979.

15 BY MR. PARISE:

16 Q The second row going horizontally, the second  
17 one down, your initials. Can you read what that says  
18 underneath your initials?

19 A "One drum first row leaks. 9:00 a.m. Half a  
20 gallon."

21 Q Does that indicate what it says?

22 A That indicates there was a drum leak, there was  
23 about a half a gallon of material on the pad.

24 Q Do you know who put this form together?

25 A This form right here?

1 Q That one.

2 A The previous ones I put together. These down  
3 here.  
4

5 Q Okay. The ones that have --

6 A This form I believe was put together by  
7 Mr. Marini.

8 Q That's the one that is November 26, 1979?

9 A Yes.

10 Q You put together the forms that --

11 A Yes, this was a crude form that was put together  
12 in a hurry to use --

13 Q You put that together?

14 A Yes.

15 Q That was labeled "Daily inspection of plant for  
16 leaks and/or spills."

17 A Yes.

18 Q And Mr. Marini put the form that says "Daily  
19 plant inspection"?

20 A Yes.

21 Q How often did they -- when did they stop cleaning  
22 its own barrels, Solvents'?

23 A Probably late '50s, early '60s.

24 Q How would they clean them out, what was used?

25 A What was used in the cleaning process?

1B / 2B/2C.  
1 Q Yes.

2 A A solution made from water and caustic soda.

3 Q And how would that be applied to the inside of  
4 the drum?  
5

6 A It was put in through a funnel that was designed  
7 for it, a certain amount of caustic and a certain amount of  
8 water was put in. It was heated by steam. We had chains  
9 that we would drop in the drums and then it was put on the  
10 drum machine, it turned the drum and therefore the chains  
11 and the caustic and water done the cleaning.

12 Q What would happen to the material, the cleaning  
13 material and the material cleaned out from the drum?

14 A It went into this pit and in earlier years it,  
15 well, I believe it went to the storm drains which were, you  
16 know, had underground pipes that went to the drainage ditches  
17 there.

18 Q What happened after that, after the earlier  
19 years?

20 A It was piped to the main pit, the big pit.

21 Q What happened with the solids that were collected  
22 there from the start?

23 A They were then taken from the little pit and put  
24 into the big one.

25 Q Is that pit labeled "E", was that there when you



1  
2 stopped working?

3 A Yes.

4 Q Is it still used?

5 A It's used to catch water from the -- we call it  
6 the dry operation which removes the water from the distilled  
7 solvent.

8 Q Was that water from the dry operation -- rephrase  
9 the question.

10 Was that pit labeled "E" also used in the 1960  
11 period, 1956 through the present for the water that was  
12 distilled off in the drying operation, water that resulted  
13 from the drying operation?

14 A It was used both for the -- let me see. Yes,  
15 it would have been used for both the drying operation and  
16 the drum washing operation and the drum washing operation  
17 in the earlier years and then later it was kept there for  
18 the drying operation.

19 Q That would end in the sludge pit through a pipe?

20 A Yes, until the pit was filled.

21 Q What happened to that after the pit was filled?  
22 What did you do?

23 A It was pumped to a cooling tower on the roof of  
24 the building and was basically put back into re-use.

25 Q Was that water for a time hauled away for

3A

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50

1  
2 disposal?

3 A Yes, it was.

4 Q Was that after the pit was closed?

5 A Yes, it was for a while.

6 Q Did anyone ever test the water to see what was  
7 in it?

8 A As far as I know they did, yes, periodically.

9 Q Was that tested back when you first started  
10 there?

11 A When I first started there?

12 Q Yes.

13 A Not to my knowledge.

14 Q At what time do you think it was first tested?

15 A I don't have the slightest idea.

16 Q What would be in charge of that?

17 A What?

18 Q Testing that water.

19 A You mean who would be in charge of getting  
20 samples or sending or doing the actual testing?

21 Q Who would be in charge of doing the actual  
22 testing?

23 A I believe Solvents done some of their own  
24 testing and some of it was sent through Newlands Labs,  
25 Newlands Laboratories, Bloomfield, I think.

Any other outfit I don't know other than the State, I think, the State of Connecticut done testing.

Q You described a pit, a small one labeled "F". Would you describe what that was and what it was used for?

A That was used in the earlier years in the drum washing operation. When this pit up here got full there was a trench that ran down the one and the water overflow went to here and on out through underground pipes.

Q What happened with that, is that still in existence?

A This is not in existence, no, no.

MISS PERCELL: By "this" you are indicating the trench, the little pit?

THE WITNESS: The little pit. I believe it's still there.

MISS PERCELL: But the trench is in between?

THE WITNESS: The trenches, let's see -- wait a minute, the trench from "E" to "F" is still there or was when I left. The underground pipe leading off from trench "F" was discontinued a long time ago. It's completely blocked off.

BY MR. PARISE:

Q Do you remember when?

1  
2 A I don't know the date, no.

3 Q Is this the trench that is used now?

4 A Yes, this is used for distillate water from  
5 the bottom of the receivers.

6 Q Do you know where that water --

7 A This water goes back to the cooling tower or  
8 did.

9 MR. PARISE: Now I want to mark this.

10 (Water analysis reports marked  
11 Plaintiff's Exhibits 5, 6 and 7 for  
12 Identification.)

13 BY MR. PARISE:

14 Q I'm going to show you a water analysis report  
15 from Olsen Chemical Company dated October 15, 1964. And  
16 that's Exhibit 5.

17 Have you ever seen that before?

18 A I don't know if I have seen this particular  
19 one. I've seen reports.

20 Q This says that a sample was taken from the HP  
21 boiler. What is the HP boiler?

22 A High pressure.

23 Q And LP?

24 A Low pressure.

25 Q Are those the boilers? What are they used for?

1  
2 A Processing, steam for processing, heat.

3 Q Where were the samples taken of the boiler  
4 water?

5 A Why were samples taken? Anybody who owns a  
6 boiler has samples taken to keep the alkalinity down and  
7 otherwise your boilers rot out and leak.

8 Q What was the source of the water for the  
9 boilers, where did that come from?

10 A From our own well.

11 Q Was that well in existence on the property  
12 when you first started working there?

13 A Yes.

14 Q Could you mark that on the drawing where that  
15 well is located?

16 A The well?

17 Q Using the next letter which is --

18 A "G".

19 Q "G". Do you know how deep the well is?

20 A Approximately a hundred twenty feet.

21 Q Where did you get that information, what are  
22 you basing that on?

23 A On the length of pipe that's down there. I  
24 know there is about a hundred ten to a hundred twenty feet  
25 that goes down there, plastic pipe.

2 Q How do you know that?

3 A Occasionally it has to be pulled out and there  
4 is a jet on the bottom of the pipe because it's so deep it  
5 needs a jet to push the water up. There is a screen on the  
6 bottom. It has to be cleaned occasionally of leaves and  
7 stuff that would get down the well and have to be cleaned  
8 then.

9 Q Was that well ever used for drinking water?

10 A The earlier years, yes.

11 Q It was used when you first came there?

12 A When I first came there, yes.

13 Q Do you know when it stopped being used?

14 A Exact dates I don't know.

15 Q How many years later, can you give me an  
16 approximation?

17 A I don't know really the exact number of years.

18 Q Showing you Exhibit 6. Do you recognize that  
19 one which is the water analysis report dated October 20, 1964?

20 A I don't recognize this.

21 Q Showing you Exhibit 7 which is dated -- water  
22 analysis report, Olsen Company, dated 6/21/65?

23 A I don't recognize this one either.

24 Q Do you know who would have received these?

25 A Frank Ciak back then I think.

Q Do you know if the New Jersey office received these?

A They would have received them.

Q Who over there would have received them?

A Probably Mr. Boll for one, others depending on who was manager of manufacturing at that time.

Q Why was the well water, the Solvents' well, why was that discontinued from use for drinking water?

A It became contaminated.

Q Do you know what it was contaminated with?

A No.

Q Do you know if it was contaminated with solvents?

A I don't know, I'm not sure. I think there was underground oil from the oil tanks to the boiler.

Q Do you know what that water smelled like?

A At various times it smelled pretty bad.

Q What did it smell like?

A You want it on the record? It has, since the smell has since gone away. There was a period of time in between when I started there and when I left that it smelled pretty raunchy.

Q Did it smell like solvent?

A No, it didn't smell like solvent, more like an old swamphole somewhere.

2 Q Were there ever floor drains in the building?

3 A Floor drains?

4 Q Yes.

5 A Other than the trench from between the two pits  
6 inside of the building there was a drain which I explained  
7 to you before from "F", pit "F" on out. Any other floor  
8 drains? Not to my knowledge. Talking about underground  
9 pipes for drains?

10 Q Yes, or trenches.

11 A Trenches, no, only the one from -- there was one  
12 that went from "E" to the main pit which I explained before.

13 Q Was this a trench or a pipe?

14 A Originally a trench, then a pipe.

15 Q Was the trench lined with anything or was it in  
16 bare ground?

17 A Originally it was bare ground.

18 Q Do you know when it was lined?

19 A No.

20 Q Was it lined with something eventually?

21 A It wasn't lined, the pipe was laid in there  
22 then the pipe was buried.

23 Q Was there ever a trench or a trough or ditch  
24 in the area of the stills other than that one you have just  
25 mentioned?



1  
2 A Yes, there is a trench behind the still area  
3 that was put in in the later years.

4 Q What was the purpose of that trench there?

5 A To catch spillage, you know, to be pumped out  
6 rather than run off.

7 Q Was there ever a trench or a ditch dug around  
8 the sludge pit?

9 A In this area?

10 Q Yes, labeled "C".

11 A No trenches. The only thing that -- no, there  
12 was no trenches from that.

13 Q After that was closed down was there ever a ditch  
14 dug around it?

15 A No.

16 Q No trench or anything?

17 A No.

18 Q Was there any underground -- have there been any  
19 underground tanks at Solvents Recovery facilities?

20 A No, the only -- no, there is only one tank that  
21 I don't think you would consider it underground which is the  
22 oil tank that fires the boilers. But three-quarters of that  
23 is above ground, a wall built around it and it's nearly  
24 covered with gravel or sand or whatever.

25 Q Is that the tank that you mentioned earlier that

1  
2 was leaking that was causing the well not to be used for  
3 drinking water?

4 A That is what caused the well originally not to  
5 be used.

6 Q How was it discovered there was a leak in the  
7 oil tank?

8 A I'm not really sure how they discovered it. I  
9 wasn't the manager then and these kinds of things weren't  
10 my responsibility.

11 Q Could you draw on the map where the septic tanks  
12 have been at the Solvents Recovery facility?

13 A They were right in here.

14 Q Label that "H". Do you know how many septic  
15 tanks there are or have been?

16 A One to my knowledge.

17 Q Is there any outfall anywhere from the facility  
18 carrying off --

19 A From the septic tank?

20 Q Yes.

21 A Yes, there is a leach field.

22 Q Could you indicate where the leach field is,  
23 label that "I". Has that always been the location of the  
24 leach field?

25 A No.

1 Q Where has it been before?

2 A It was somewhere in this crushed stone area and  
3 I never was quite sure where, somewhere in here.

4 Q Could you indicate approximately the other  
5 location?

6 A Somewhere in here.

7 Q Label that "J". Was there a pipe leading out  
8 from the facility to carry water or any other effluent from  
9 the facility?

10 A The natural run-off?

11 Q To the ditch near the railroad tracks.

12 A There is a storm drain pipe.

13 Q Was that in existence in 1956?

14 A Yes, I believe it was.

15 Q Has it ever changed since then?

16 A Yes.

17 Q What was the change?

18 A The whole thing was dug up and all new pipe and  
19 all new catch basins.

20 Q Do you know how long ago that was?

21 A '78 maybe. Not sure.

22 Q Can you indicate on the drawing where the first  
23 outfall, the location of the first pipe outfall is?

24 A The first pipe came along the building, and then  
25

1  
2 I believe it branched off and came down like into this area  
3 somewhere.

4 Q Can you that with an X or mark that with a dot?

5 A Right here.

6 Q And label it "H".

7 A "H"? "I", "J".

8 Q "K", and where is -- that is the present, you  
9 say there was a change. Where is the present outfall?

10 A Somewhere in this area.

11 Q And label that "L".

12 Now, can you describe what was carried from what  
13 left the outfall in "K", what would enter the outfall, what  
14 effluent to be carried away?

15 A Storm water, run-off water, at one time water  
16 from the cooling towers. In earlier years water from the  
17 distillation process. Very early years water from the drum  
18 cleaning operation, overflow from the cooling tower tank.

19 Q Storm drains?

20 A I said run-off storm drains, yes.

21 Q What is the outfall labeled? "L". What effluent  
22 would it carry, would it discharge?

23 A Storm drain.

24 Q Was that only --

25 A Natural run-off.

1  
2 Q Is that what occurred when you left the plant,  
3 left your employment with Solvents Recovery?

4 A I do believe that was the only thing that was  
5 going out there when I left. To my knowledge, it is, anyway.

6 Q Who owns the property, well, at the location of  
7 those outfalls, "K" and "L", what is that?

8 A What is it? I believe that is railroad  
9 property.

10 Q Is there a ditch?

11 A There is a ditch there, yes.

12 Q Is there a stream?

13 A No.

14 Q Is there standing water there, has there ever  
15 been standing water there?

16 A On occasion.

17 Q Or flowing water?

18 A Yes, from natural run-off there is.

19 Q Which direction does it go, can you put an  
20 arrow?

21 A Where do you want it? Anywhere?

22 Q Does this flow in that direction?

23 A That direction.

24 Q Who owns the property on the other side of the  
25 railroad tracks?

2 A I believe Cianci Construction Company owns it  
3 now.

4 Q Who owned it prior to him?

5 A I don't know.

6 MISS PERCELL: May I ask for a  
7 clarification. The railroad tracks are on this  
8 map. At least I don't see them. Can you  
9 indicate where they are so we'll know on which  
10 side Cianci is located. Run parallel with this  
11 thing that is labeled monumented centerline?  
12 Run parallel to that, is that correct?

13 THE WITNESS: Yes.

14 BY MR. PARISE:

15 Q How long has Mr. Cianci owned that property,  
16 do you know?

17 A I don't know.

18 Q What did his property look like when you first  
19 started working for Solvents?

20 A Basically a swamphole.

21 Q Was there any facilities on this?

22 A Were there? No.

23 Q Did it change at all in the later years?

24 A In later years after Cianci bought it he started  
25 bringing fill in and filling it.

Q Was there ever a building put on there?

A No, there is no building. Last I knew I think it was an office trailer there.

Q Do you know where Cianci received his fill?

A No, I don't.

Q Do you know if Solvents at any time from the time you started working there till the time you left deposited any of its sludge on Cianci's property?

A Never.

Q Do you know if any of the overflows from Solvents' property entered that ditch and entered on Cianci's property?

A Yes, it would have gone out of there because there was a pipe that went under the culvert.

Q Is that "K"? You said the pipe?

A No, no.

Q Can you describe what you just said that there is a pipe underneath the --

A It's a culvert which is a large pipe.

Q Underneath the railroad tracks, and that's from what to what?

A From the ditch on the west side to the railroad tracks to the -- originally I guess it was a swamphole on the east side.

Q Have you ever seen run-off enter that and stand

1  
2 in pools of run-off, have you ever seen that on the  
3 property?

4 A Yes.

5 Q Can you give me an indication of when that  
6 would have been?

7 A Originally when -- that was all a swamp and  
8 there were water pools all over the place. I think is a --  
9 I believe there is a pool of water going through the culvert  
10 which, over the years, has, you know, created a small pool  
11 there for the water runs which usually stands most of the  
12 time.

13 (Photostated copies of newspaper  
14 articles marked Plaintiff's Exhibits 8 and 9  
15 for Identification.)

16 BY MR. PARISE:

17 Q Exhibit 8 is a newspaper article clipping. I  
18 would like for you to look at that.

19 Have you ever seen this before?

20 A This particular clipping?

21 Q Yes.

22 A Undoubtedly I have. I can't recall whether  
23 I read it or not.

24 Q What are they referring to, "granted permission  
25 to dispose of its sludge-type waste at the town dump"?



A It was still bottoms.

Q In what time period was this? The article is labeled November 11, 1965.

A What time period?

Q Yes. Is this prior to the closure?

A That would be prior, yes, to the closure of the pit.

Q How often was sludge brought to the town landfill, town dump?

A What do you mean how often?

Q How many times was the sludge pit cleaned out?

A One time.

Q Just one time only?

A With sludge, yes.

Q This is what the article is referring to?

A Yes, it is.

Q The article says: "Sludge amounts to 20 to 25 loads every six months."

Was that an accurate statement?

A Six months was definitely not an accurate statement, not to the best of my knowledge anyway.

Q What would be an accurate statement?

A I believe when it was first started being cleaned it was more like 15 to 18 months, and as the

business grew it got down. It might have been eleven months or a year, twelve months, you know. I don't believe it was ever any oftener than that.

Q As distinguished from the sludge, the water that was in the sludge pit, how often was that pumped out and brought to the town dump?

A As I told you before, it could have been daily or it could have been two days, three days, depending on the type of operation, the type of material that was being processed at the present time, and also how hard it rained, obviously.

Q Look at Exhibit Number 9, which is another newspaper article. Doesn't have a date.

Have you ever seen this one before?

A I don't know if I have ever seen this article or not.

Q This article mentions --

A It's possible that I have read it before. I really don't recall.

Q This article mentions: "Solvents previously had an arrangement with a property owner near the Quinnipiac River in the North End to dispose of its waste productions on his land."

Do you have any knowledge of what that's referring

1  
2 to?

3 A The only thing I could possibly think of is it  
4 might be Mastrianni but he's not on the Quinnipiac.

5 Q Where is he?

6 A Where is he? He was located on Flanders Street  
7 or Road, I forget whether it's Flanders Street or Flanders  
8 Road.

9 Q Do you have any knowledge of an area on Queens  
10 Street near a diner?

11 A I believe later years he owned a piece of  
12 property there, yes.

13 Q Do you know if any sludge was disposed of?

14 A Never was to my knowledge.

15 Q I'm going to show you a memo dated March 12, 1968.  
16 It's a Water Resources Commission memo, it's from Russell C.  
17 Dibble to Richard W. Sullivan.

18 (Four-page interdepartmental memo  
19 dated March 12, 1968, marked Plaintiff's  
20 Exhibit 10 for Identification.)

21 BY MR. PARISE:

22 Q Have you ever seen this document before? It's  
23 Exhibit 10.

24 A No.

25 Q Have you ever seen the attached map to that

1  
2 drawing?

3 A Not to my knowledge I haven't.

4 Q Looking at the drawing, is that an accurate  
5 depiction as of the date of 1/31/68, of the Solvents'  
6 facility and the area surrounding it?

7 A Looks accurate.

8 Q The writer of this document mentions that this  
9 material collects -- at the second page -- "This material  
10 collects at the edge of the concrete slab upon which the  
11 stills are located. A small ditch has been dug to allow  
12 the liquids to flow to a yard drain and eventually to the  
13 Quinnipiac River."

14 A I see that.

15 Q Do you know what ditch this person is referring  
16 to?

17 A No, I don't.

18 Q You have no memory at all?

19 A I don't recall of any ditch ever being across  
20 there.

21 (Diagram of buildings entitled  
22 Concrete Yard marked Plaintiff's Exhibit 11  
23 for Identification.)

24 BY MR. PARISE:

25 Q I would like you to look this over. This is a

1  
2 drawing dated July 26, 1963, with the initials RPL.

3 A Okay.

4 Q Who is RPL?

5 A Robert Lanyon.

6 Q Where was he from?

7 A The New Jersey office.

8 Q Do you know what this is about, this drawing  
9 is about?

10 A Yes, I believe that was prior, just prior to  
11 the filling of the pit. Apparently it was when they were  
12 getting ready to take the platform down and install the  
13 concrete drum storage pads.

14 Q Have you ever seen this drawing before?

15 A No.

16 Q Was this work ever carried out?

17 A Yes, it was.

18 Q Was it carried out similar to what is drawn  
19 here, similar to the plan?

20 A Yes, I believe exactly like it was drawn.

21 Q Do you know in the area of drum storage there  
22 seems to be slabs of concrete drawn?

23 A They are slabs.

24 Q What is in between each slab?

25 A Gravel.

Q Was that put in at the time that the work was done?

A The gravel?

Q Yes.

A Yes.

(Message dated 5/15/63 marked Plaintiff's Exhibit 12 for Identification.)

BY MR. PARISE:

Q Have you finished looking it over?

A I haven't finished reading it, no.

Q Who is Rexall or what is Rexall?

A Rexall was a customer of Solvents'.

Q Do you know what crude material Solvents processed for them?

A Ethylbenzene, I believe styrene.

Q Who was Bolta?

A Bolta Products, again a customer of ours.

Q What material was processed by Bolta?

A Type of solvent, I believe it was methyl ethyl ketone, otherwise known as MEK.

Q Who is CHB?

A Mr. Boll.

Q Who is CSA?

A Charles Altemus.

Q There are the initials RPL down at the bottom or, no, I guess -- can you make any sense of the initials on the bottom?

A No. Half of them are cut off. I don't know. This looks like it might have been RPL. I don't know what the other one is though.

Q Do you know what this incident is that they are referring to?

A Not offhand, no.

Q Who is Mickey?

A Mickey owns the body shop out on Lazy Lane.

Q Does this describe a situation where the plant has a backlog of material to process?

A I believe that is what it describes, yes.

Q Is this when business started to pick up?

A Yes. This could have been at the time I referred to when they were talking about the drum storage area as being done in different intervals.

Q I'm going to show you now another set of documents.

(Two sets of documents marked  
Plaintiff's Exhibits 13 and 14 for  
Identification.)

1  
2 BY MR. PARISE:

3 Q Looking at Exhibits 13 and 14, do you recognize  
4 what they are?

5 A Yes.

6 Q Have you seen them before?

7 A Sure.

8 Q What are they?

9 A List of our customers, receipt of material  
10 either by drums or gallons with order numbers assigned.

11 Q Did you keep those records?

12 A I did, yes, I did from the time that I was  
13 plant manager on.

14 Q And who kept them before that?

15 A Mr. Ciak, the previous plant manager.

16 Q Did anyone other than the plant manager keep  
17 these records?

18 A After they hired me, a secretary. Yes, she did.

19 Q Just going through Exhibit 13, from the first  
20 page can you describe what the columns are or represent,  
21 what the figures represent?

22 A The first column represents an order number  
23 assigned.

24 Q Who would assign the order number, the sales  
25 person or --



1  
2 A No, the office, Southington office. The second  
3 column is customer's name, company name, the date the  
4 material was received, the amount of drums.

5 Q Is that drums received?

6 A Drums received.

7 Q And the initials after the number, what would  
8 that be? Does that indicate the material?

9 A That apparently indicates the type of material.

10 Q And the next column?

11 A Next column is the date the material was shipped  
12 out, the finished product was shipped out, and also the  
13 number of drums that were shipped back to the company.

14 Q Looking down the column, well, before you do  
15 that, go to page 97 of the second volume which is Exhibit 14,  
16 just using this as an example it goes through the columns  
17 again.

18 What do the columns in this represent?

19 A The first column is an order number assigned,  
20 second column is the company name, date the material was  
21 received, and the city and the state in which the customer  
22 was located.

23 Q Seems that for some of the customers between  
24 the name and the date there is a number that doesn't appear  
25 throughout. But do you see it?

1  
2 A Yes.

3 Q What would be put in that column?

4 A Apparently that is the number of drums that  
5 were received.

6 Q Could it be anything else?

7 A No. I think that is the number of drums,  
8 what it looks like it would be anyway.

9 Q Just going back to the first page of the first  
10 volume of Exhibit 13, just looking at the column that is  
11 labeled full drums. There are initials, abbreviations for  
12 materials?

13 A Yes.

14 Q What would TH be an abbreviation for, or PE?

15 A TH probably would be a thinner.

16 Q PE?

17 A I don't know what PE would have been.

18 Q How about the next one, NAP?

19 A Could have been naphtha.

20 Q Then MEK?

21 A Methyl ethyl ketone.

22 Q TRI?

23 A Probably trichloroethylene.

24 Q ACET?

25 A Acetone.

Q Down towards the bottom there is a second order number 127, 9 PERC.

A Perchloroethylene.

Q Did you ever process alcohols?

A Yes.

Q Did that occur at any time, did that ever stop the process of alcohols, was that ever discontinued?

A No.

Q How about ketones, were ketones ever processed there?

A Yes.

Q Acetone, was that ever processed?

A (No verbal response.)

Q Trichloroethylene?

A Yes.

Q Was 1, 1, 1, trichloroethane?

A Yes.

Q Perchloroethylene?

A Yes.

Q Chloroform?

A No, I don't think so.

Q You have no memory of any chloroforms?

A No.

Q Carbon tetrachloride?

1  
2 A Very early years I think, very early years  
3 when I was there.

4 Q Do you remember what customer it would have  
5 been or could have been?

6 A No.

7 Q Process benzene or materials with benzene in it?

8 A Ethylbenzene, the only one to my knowledge.

9 Q You did process Ethylbenzene.

10 A Yes.

11 Q Did you process a material called vinylidene  
12 chloride?

13 A As a matter of fact I've never heard of it.

14 Q Dichloroethylene?

15 A Yes.

16 MISS PERCELL: What was the last one?

17 MR. PARISE: Dichloroethylene.

18 A I'm not sure about that one.

19 Q Also known as dichloroethylene or -ethane?

20 A Yes, I think so.

21 MISS PERCELL: Would that be a  
22 different thing, the three that you just named?  
23 Sounds like a different chemical structure.

24 MR. PARISE: Off the record.

25 (Discussion off the record.)

MR. PARISE: Back on the record.

BY MR. PARISE:

Q Did you ever process methylene chloride?

A Yes.

Q Ever process any polymers?

A Not that I know of.

Q Or materials containing polymers?

A Materials containing polymers, yes.

Q Materials containing resins?

A Yes.

Q Ever process any material with vinylchloride in it?

A No, not that I know of.

(Recess.)

BY MR. PARISE:

Q Would Solvents' take a sample of a customer's material to see if they could process it?

A Always.

Q Is that the first step?

A Yes.

Q Would a customer come up to see if you could provide some service for them?

A Yes.

Q The first step would be to take a sample. Who

1  
2 would take the sample?

3 A Usually the salesman.

4 Q And what would the salesman do with it?

5 A Send it to our New Jersey lab.

6 Q Did he ever bring it to the Southington plant?

7 A Not for analysis, no.

8 Q Did the Southington plant ever have a lab?

9 A Had a small lab there.

10 Q What was that used for?

11 A Mainly for determining moisture content, just  
12 for running tests on the finished product.

13 Q Was it used for anything else other than running  
14 tests on finished product?

15 A Occasionally specific gravity on crude material  
16 coming in, on a chlorinated solvent to determine the  
17 percentage of chlorinated solvent to the percentage of oil  
18 that was in it.

19 Q Where was the lab at the Southington plant  
20 located?

21 A Where was it?

22 Q Was it in the building?

23 A In the building.

24 Q How big a lab was it?

25 A Six foot by six foot.

Q Any other samples taken or preshipment samples or samples for testing the final product or to test specific gravity?

A No, just samples were taken of incoming crude and samples were kept of the outgoing product.

Q Was it always the case that the first of the customer's sample, the salesman would take, was it always the case that that sample was sent to New Jersey for analysis?

A To the best of my knowledge, yes.

Q And what did the Southington plant have for personnel in the lab, at the Southington lab?

A Myself.

Q Anyone else?

A The foreman used to do occasional testing for moisture. They did for specific gravity. I don't know, I forget what other tests were run. They were simple tests.

Q What would you do with the samples after they had been tested?

A They were put into a shelf and kept.

Q How long?

A For a period of time?

Q How long?

A Normally three months.

1 Q What would be done with them?

2 A They were disposed of.

3 Q How were they disposed of?

4 A Dumped in a pail and into a drum, and occasionally  
5 if we had a mix solvent that was being processed it would  
6 be flowed into the process.  
7

8 Q Was it ever disposed of down a sink?

9 A Not to my knowledge it wasn't.

10 Q Or toilet?

11 A Not to my knowledge.

12 Q Could it have ever happened that material was  
13 disposed of down the sink?

14 A It's possible.

15 Q Who are the names of the other workers, other  
16 people that worked at the plant when you first started  
17 there?

18 A What were the names?

19 Q Do you remember their names?

20 A When I started working there there was Frank  
21 Ciak, Charlie Altemus, Bob Williams and myself. That's it.

22 Q What was Altemus' job?

23 A He was a sales representative.

24 Q And Frank Ciak?

25 A Manager.



1  
2 Q And Bob Williams?

3 A Williams.

4 Q What was his job?

5 A He was a chemical operator.

6 Q Anyone else after that, other than those people,  
7 at the time you started there?

8 A There were a lot of people but as far as names,  
9 you know, it's going to be very difficult. Those were the  
10 people when I started.

11 Q Was Carlton Boll there?

12 A He was in the New Jersey office, he was not in  
13 the Southington office, no, only on occasion.

14 Q How often would he be at the Southington office  
15 during that first period when you started working there?

16 A It varied. It could have been once a month,  
17 once every three months, once every six months.

18 Q Why would he be coming to the Southington plant?

19 A Probably because he owned the place.

20 Q Any other reason?

21 A I'm sure to check the plant and see what kind of  
22 condition it was in and talk to the manager.

23 Q Did he own any other property in Southington or  
24 in Connecticut to your knowledge?

25 A Not to my knowledge, no.

1  
2 Q Did Alan Peterson ever come to work?

3 A Alan Peterson, yes.

4 Q Was that after you had started?

5 A Long after.

6 Q What was his job?

7 A He started as a chemical operator helper, and  
8 then he worked his way up as a chemical operator and  
9 eventually a foreman.

10 Q And Harold Banker, did he ever -- did he start  
11 after you?

12 A Yes.

13 Q And a person named Joe Jarvis?

14 A Yes.

15 Q What was Joe Jarvis' position?

16 A Joe was a truck driver and he filled in  
17 occasionally in the plant if we needed someone.

18 Q Do you know if Mr. Ciak has died?

19 A Yes, he has.

20 Q Do you know where Mr. Jarvis is?

21 A I don't have the slightest idea. Last known  
22 address I knew about him was Waterbury.

23 Q What about Mr. Williams?

24 A Thomaston.

25 Q Is that the last known address?

1  
2 A Last place I know, yes.

3 Q How long ago do you think he lived there?

4 A Early '60s, maybe.

5 Q What about Alan Peterson, do you know where he  
6 lives?

7 A Last known address was Waterbury .

8 Q Do you know an employee named Harold Gervais?

9 A Who?

10 Q Do you know an employee named George of Harold  
11 Gervais?

12 A Not that I know of.

13 Q Any other employees you remember other than people  
14 that just were there temporarily?

15 A Oh, boy. Jimmy Maguder. We had so many  
16 employees it's impossible to remember all the names.

17 Q Any long-term ones other than you and --

18 A Not long-term ones, no.

19 Q What happened with the still bottoms and waste  
20 oil, what happened with the still bottoms after the sludge  
21 pit was closed?

22 A They were incinerated.

23 Q Anything else happen with them prior to the  
24 incinerator being used?

25 A The incinerator was operating, I believe, when the

1  
2 pit was closed.

3 Q Were the still bottoms brought anywhere else,  
4 to your knowledge, prior to the incinerator being used?

5 A Prior to?

6 Q And subsequent to the pit?

7 A Not prior to, no.

8 Q What about the waste oil?

9 A Waste oil was picked up by a scavenger firm.

10 Q Where would it be stored after the distillation  
11 process?

12 A If we had waste oil it would be stored in drums.

13 Q Was everything -- were all the still bottoms  
14 burned?

15 A No.

16 Q In the incinerator?

17 A No.

18 Q Why was that?

19 A The incinerator couldn't keep up with it.

20 Q Because of volume?

21 A Because of volume.

22 Q What would happen with material that you couldn't  
23 burn in the incinerator?

24 A It was taken away.

25 Q In what form was it taken away?

A In drums.

Q Was it ever taken away in bulk?

A Yes.

Q Would it be pumped out of the drums into a bulk container by the person taking it away?

A Yes.

Q Would it also be pumped out of a bulk container into another -- into the person's container, bulk container?

A Yes, at times.

Q Who were the people that Solvents used to take away the drums of waste?

A Who?

Q And bulk waste, do you remember their names, the names of the firms?

A Yes. Ace Environmental.

MISS PERCELL: Can I clarify that that is solely during the period the incinerator was in operation?

BY MR. PARISE:

Q From the period that the sludge pit was finally used, the sludge pit was finally shut down from that period on to the present, who hauled away, who did Solvents use, how was material -- the question is, how was material that was not incinerated disposed of?

1  
2 A It was taken away in drums.

3 Q Also taken away in --

4 A In bulk.

5 Q And what were the firms that did that from that  
6 period to the time that you left the plant?

7 A Ace Environmental was one, which I think later  
8 became Industrial Environmental. Again I'm not sure of the  
9 people that owned it.

10 New England Barrel. There was an outfit with  
11 Ottati & Goss. I don't remember the spelling on it. That  
12 is all I can think of offhand.

13 Q Did you ever use one named McCalley?

14 A Yes.

15 Q Was there one by the name of -- I don't know  
16 the pronunciation, it was G-a-e-s-s, a firm with that name?

17 A Yes, okay.

18 Q Was there ever a firm named Jonas, J-o-n-a-s?

19 A That don't ring a bell.

20 Q Do you remember any others?

21 A No.

22 Q Who hauled the garbage away from the plant, the  
23 trash?

24 A What garbage? You mean --

25 Q Waste paper, things like that.

1  
2 A There was a while that we hauled our own away  
3 and then very late years I was there, Don Hagstrom.

4 Q Was that Don's Light Trucking?

5 A Don's Light Trucking, yes.

6 Q Can you remember in chronological order which  
7 firm was used of the ones you've just named for disposal  
8 of waste?

9 A No.

10 Q Was New England Barrel prior to Ace?

11 A I believe so, yes.

12 Q Do you remember the people from New England  
13 Barrel coming on to the plant?

14 A Yes.

15 Q How would they haul the stuff away?

16 A In drums on a truck.

17 Q How often would they be at the plant hauling  
18 it away?

19 A I don't recall how often.

20 Q Was it a lot of times?

21 A Quite a number of times, yes.

22 Q Who would haul it, what firms did Solvents use  
23 to take away the waste oil?

24 A Connecticut Waste Oil, I forget the name of  
25 the other. There is only two that I know of. I forgot the

2 other.

3 Q Did Solvents ever haul any of the waste oil  
4 away itself?

5 A Not that I know of.

6 Q Do you remember Solvents ever hauling away  
7 any of its own barrels of waste?

8 A Yes.

9 Q Ever hauling away any of its own bulk waste?

10 A Yes.

11 Q Do you remember when those periods were?

12 A No, I don't.

13 Q Were those prior to the incinerator or after  
14 the sludge pit, can you use that --

15 A Probably both, before and after. At various  
16 times while I was there.

17 Q Do you know where the waste would be disposed?

18 A Yes. Some of the liquid in the earlier years  
19 such as water and such went into the Southington landfill,  
20 drums of sludge went to a place in New Hampshire and one  
21 I believe in Niagara, New York, Niagara Falls, New York.

22 Q Any drums brought to anywhere in Connecticut?

23 A Back in the very early years, yes, there was  
24 some up in the Marek's sand pit or gravel pit where we  
25 deposited our material from our lagoon.



1  
2 Q Who did that?

3 A Solvents' trucks.

4 Q You didn't use Mastrianni for that?

5 A Not that I know of.

6 Q Was that drums of stuff?

7 A Drums of still bottoms, yes.

8 Q Did you ever haul, did Solvents ever haul any  
9 of its bulk waste?

10 A Yes, water waste.

11 Q That was mentioned to the town dump?

12 A Yes.

13 Q Any other bulk waste other than water waste to  
14 the town dump?

15 A Not that I can recall, no.

16 Q Did Solvents haul any of its own drums anywhere  
17 other than the Marek property?

18 A No. Oh, other than the Marek property?  
19 Southington, yes, we hauled drums to New Hampshire and  
20 Niagara.

21 Q In Connecticut?

22 A No.

23 Q That is what I meant the question to be.

24 Any idea of when the drums were hauled to the  
25 Marek property?

1  
2 A No, I don't have any idea on the dates of that.

3 Q Can you give me using something as a point of  
4 reference, either the beginning of the incinerator or during  
5 or before the incinerator?

6 A I'm really not sure what the dates are.

7 Q Do you remember how many times that was done,  
8 hauled, how many times?

9 A I don't know how many times we went up there.

10 Q Was it more than once?

11 A Yes.

12 Q How many drums would be on a truckload?

13 A I believe 28 at that time.

14 Q Any estimate of the number of truckloads?

15 A I don't have the slightest idea.

16 MR. PARISE: I would like to have  
17 this marked.

18 (Packet of materials marked Plaintiff's  
19 Exhibit 15 for Identification.)

20 BY MR. PARISE:

21 Q Would you look at this?

22 (Packet of materials marked Plaintiff's  
23 Exhibit 16 for Identification.)

24 BY MR. PARISE:

25 Q Are you finished looking it over?

1  
2 The first page of the document is labeled  
3 accounts payable-Solvents Recovery of New England, Inc.,  
4 April, 1969.

5 Have you ever seen this page before?

6 A I doubt it.

7 Q Why do you doubt it?

8 A This is prior to my being manager.

9 Q Do you have a better idea now of what date it  
10 was that you became manager?

11 A Either '70 or '71, '71 perhaps. I think '71.

12 Q And is the manager the only likely person to  
13 have seen this?

14 A Yes.

15 Q Just looking down the list, do you know who  
16 M. J. Daly, who that was?

17 A Yes.

18 Q Who was that?

19 A They're plumbing supply people.

20 Q And N. E. Barrel would be --

21 A New England Barrel.

22 Q What is SRSNJ?

23 A Solvents Recovery of New Jersey.

24 Q Do you know what the purchases would be, what  
25 the three thousand dollars represents?

1  
2 A No, I don't.

3 Q Looking at the next page and its attachments,  
4 have you ever seen any of these before?

5 A Yes, some of them I have.

6 Q What are they, can you state what they are?  
7 They're bills of lading?

8 A Yes.

9 Q Copy number two of bills of lading?

10 A Right.

11 Q Looking at the bill of lading which is the  
12 fourth page in that's dated April 14, 1969?

13 A Yes.

14 Q There are initials down at the bottom underneath  
15 on the bottom, left-hand corner, Solvents Recovery Service  
16 of New England, Incorporated, shipper. Then there is  
17 "Per" and then a line with some initials?

18 A I believe those are Frank Ciak's.

19 Q Was it the plant manager's job to sign bills  
20 of lading?

21 A Yes.

22 Q Was anybody else allowed to sign them?

23 A No, not up to Frank's leaving.

24 Q Were there other people allowed to sign them  
25 prior?

1  
2 A No, prior, no.

3 Q Let's go back. Did anyone other than the plant  
4 manager sign the bills of lading?

5 A Not that I know of.

6 Q Would any of the secretaries or the people in  
7 the office sign?

8 A Yes. After I had a secretary -- Ciak didn't  
9 have one, she came some years after I took over as the  
10 manager.

11 Q Looking at the one in particular that has Frank  
12 Ciak's initials on it, April 14th, it says, "Consigned to  
13 New Haven Barrel and Drum Company"?

14 A Right.

15 Q Is that the same as New England Barrel?

16 A That's the same.

17 Q Destination says New Haven. Does that mean --  
18 what does that mean?

19 A That's the destination, New Haven. That's where  
20 his office was, plant or whatever he had.

21 Q Does that mean he brought drums to New Haven?

22 A That I don't know.

23 Q What is the delivering carrier, that's a line  
24 in there.

25 A That means their truck, New Haven trucks.

Q It says 36 and then there is the printed words full drums and then handwriting "junk" at \$1.00 each."

What would be in those drums?

A Probably still bottoms.

Q And who is the person who signed this across the face of the document?

A That's Peter Juliano, son of the man who owned New England Barrel.

Q Who was the owner?

A Joe.

Q Looking at the next exhibit, which is number 16, if you'd look at the pages after the first page. Looking at the very first page, have you ever seen the very first page?

A Not that I know of.

Q Do you know the Triple Springs, the listing for Triple Springs?

A Yes, okay.

Q Do you know what they were?

A Yes, they were I believe a drinking water supply people.

Q What about Great Bear Spring?

A The Great Bear leased Solvents Recovery, I believe, the water cooler.

1 Q That was for drinking water?

2 A Yes.

3 Q Do you remember when the bubbler was installed?

4 A No, I don't remember.

5 Q Was that prior to the sludge pit being closed?

6 A Yes.

7 Q Looking at the second page, have you ever seen  
8 this before?

9 A Not that I know of, no.

10 Q Looking back now to the attachments, the second  
11 to the last one. What is that there?

12 A What is it? It's a bill of lading, copy number  
13 two.

14 Q Dated November 4, 1968?

15 A November 5th, second from last?

16 Q Sorry, third from last. Is that also a bill of  
17 lading?

18 A That is a bill of lading.

19 Q November 4, 1968? Are those your initials down  
20 at the bottom?

21 A Yes, they sure are.

22 Q What were they taking off here, what was New  
23 England Barrel taking away at seventy-five cents?

24 A Apparently still bottoms.

1  
2 Q What are those?

3 A These are apparently slips for the removal of  
4 waste oil.

5 Q Is Connecticut Waste Oil Service --

6 A Yes.

7 Q You've seen other copies of these?

8 A Yes. These are pretty hard to make out. I  
9 really don't know.

10 Q These are invoices?

11 A No, I don't think they are invoices. I believe  
12 they serve about the same purpose as a bill of lading would.  
13 I'm not sure.

14 Q Is the first page an invoice?

15 A Beg your pardon?

16 Q Is the first page of this document the invoice?

17 A Apparently it is.

18 Q Do you know whose handwriting is written across  
19 which says "sludge removal" dated April 30, 1969?

20 A No, I don't.

21 Q And there seems to be some scribbling, is that  
22 someone's initials underneath the check number?

23 A Says "paid" and then check number. Apparently  
24 it's the bookkeeper.

25 Q Who was the bookkeeper?



1  
2 A In the New Jersey office? I really don't know  
3 who she was and they have had several.

4 Q Did the New Jersey office handle your billing?

5 A Yes.

6 Q Would the Southington plant receive any bills  
7 from customers?

8 A They received bills, but they were forwarded to  
9 the New Jersey office.

10 MR. PARISE: I guess we can break.

11 (Luncheon recess.)

12 (Floor cross-section marked Plaintiff's  
13 Exhibit 18 for Identification; test report  
14 dated December 23, 1969 marked Plaintiff's  
15 Exhibit 19 for Identification; two-page memo  
16 from C. H. Boll to Al Tatro marked Plaintiff's  
17 Exhibit 20 for Identification; document marked  
18 Plaintiff's Exhibit 21 for Identification.)

19 MR. PARISE: Back on the record.

20 BY MR. PARISE:

21 Q Do you recognize the document that's now marked  
22 Exhibit 18?

23 A Yes.

24 Q Have you seen this before, this document?

25 A Yes, I think I have.

1  
2 Q Up in the upper right-hand corner it's dated  
3 8/4/67, and RPL. Is that Robert Lanyon?

4 A Yes.

5 Q Did he draw this?

6 A I believe he did.

7 Q What is this?

8 A It's a print to remodel the incinerator, the  
9 inside of the incinerator.

10 Q What was the inside of the incinerator before  
11 these plans for remodeling came into being?

12 A I don't recall for sure. It was remodeled a  
13 number of times. I don't know if this was before or after.

14 Q What was it like when you first -- was it an  
15 open pit when it first operated, when it was first put into  
16 operation?

17 A I'm not sure.

18 Q Do you know if it was in bare ground?

19 A No, I don't know, I don't think it was ever  
20 bare ground, not that I remember.

21 Q What was it?

22 A Firebrick, I believe.

23 Q And what are the modifications that are being  
24 made to it as shown in this diagram?

25 A They were steps being put in for the sludge to

1  
2 flow down in various stages, I believe, as it burned, of  
3 course.

4 Q Showing you the next exhibit which is Exhibit 19,  
5 which is a letter on the letterhead of Separation Processes  
6 Corporation dated December 23, 1969. Have you ever seen  
7 this before?

8 A I don't remember ever seeing this paper before.

9 Q Do you know what they are talking about, what  
10 Mr. Lanyon is describing?

11 A Yes, I remember the material coming in.

12 Q Dupont fuel number one?

13 A Yes, I remember the fuel coming in at the time.

14 Q What was it for, that material?

15 A For incineration.

16 Q Was that waste material?

17 A That I don't know.

18 Q I was wondering if it was a test material?

19 A As far as I know it was a waste, yes.

20 Q What is Separation Processes Corporation?

21 A I've never heard of that.

22 Q Never heard of it?

23 A I have never heard of it.

24 Q Says it's a subsidiary of SRS, Incorporated.

25 You never heard of it?

1  
2 A I have never heard of that, no.

3 Q The next document is -- that we will talk about  
4 is Plaintiff's Exhibit 21 which is undated and says at the  
5 top line, "Test burn 1-2 drums."

6 Have you ever seen that before?

7 A Yes, I have.

8 Q Do you know who wrote this?

9 A No, I don't.

10 Q It says here you and Frank Ciak and Zeb  
11 St. Thomas were on the day. Does that mean day shift?

12 A Yes.

13 Q Does that mean the day shift was operating the  
14 incinerator?

15 A Yes.

16 Q Did you ever work on any other shift operating  
17 the incinerator?

18 A Yes, that could shift.

19 Q What do you mean underneath: "Drums - Juliano -  
20 gets floor load light CO's top off with recons."

21 A Oh, that's -- that would have been light drums  
22 with very little amounts of sludge in the bottom after the  
23 liquid was pumped out of them.

24 Q Is that recons, does that mean reconditioned?

25 A Yes.

Q What is "B.B.D. - Gets floor load heavy CO's, topped with recons"?

A Bayonne Barrel & Drum. They got the same thing, the floor of the truck was loaded with drums that had heavy bottoms.

Q What is a heavy bottom?

A This was residue that had settled out of the incoming crude solvent that could not be pumped.

Q Couldn't incinerate it, couldn't pump it into the incinerator?

A No, it wouldn't pump. It was solid.

Q How did material get from the still bottoms from the stills to the incinerator?

A We had, well, we called them hoppers that the stills were dumped in and then they were handled with the fork truck, taken to the incinerator and dumped in a mixer, an agitating mixer, and that's the way it was handled.

Q Poured into the floor of the incinerator?

A Was it poured into the floor? No.

Q It was a feed tank?

A Yes, material was mixed up.

Q What did that feed tank consist of, can you describe it?

A Still bottoms.

1  
2 Q What was the feed tank, what did it look like?

3 A Tank with agitator in it.

4 Q Was it above ground?

5 A Above ground, open top when it first started.

6 Eventually they put a cover on it.

7 Q Did you have to clean out the incinerator after  
8 pumping still bottoms?

9 A Yes.

10 Q What would there be to clean out?

11 A Ash.

12 Q How much ash would there be in the bottom?

13 A It could vary depending on, you know, the type  
14 of material that was being incinerated, type of still  
15 bottoms.

16 Q How was it removed from the bottom of the  
17 incinerator?

18 A Usually with a shovel.

19 Q What would happen to it after it was shoveled  
20 out of the incinerator?

21 A It was put into an area there on the property  
22 and spread out.

23 Q Could you mark that area with the next letter  
24 on the drawing, Exhibit Number 1 with the next letter, which  
25 is "M"? Any other areas for disposal of ash?

1  
2 A No, that was the only area.

3 Q How did it spread out?

4 A With a shovel.

5 Q Was it raked?

6 A ~~Answer~~ Raked.

7 Q Was it on bare ground?

8 A Yes.

9 Q Was there any grass there?

10 A Was there any grass? Not that I can recall.

11 Q Just dirt?

12 A Dirt.

13 Q Do you have any idea of how much of a layer of  
14 ash was deposited there over the period of time that it was  
15 used?

16 A Oh, probably from six inches to two to three  
17 feet.

18 Q What eventually happened with that area where  
19 the ash was spread out?

20 A It was covered with the crushed stone.

21 Q Was the ash removed?

22 A Some of it was removed.

23 Q What was done with it?

24 A That I don't know. It was trucked out and I  
25 don't know where it went.

1  
2 Q Do you have any idea how much was removed?

3 A No, I don't, not offhand.

4 Q Was one area cleared and others left alone or  
5 was it --

6 A Well, the area was graded to bring in the  
7 crushed stone. I don't recall just how much of the stone  
8 was put in there but the property originally sloped, there  
9 was a slight grade. That's why I said there was from maybe  
10 six inches to two feet, two and a half feet or whatever from  
11 that point to this one, the edge of the bank.

12 Q Do you know who shoveled it out, who removed  
13 the ash from this area?

14 A I believe it was Walt Deckert.

15 Q Did you see him doing this?

16 A Did I see him doing it? Yes.

17 Q What was he putting the ash into?

18 A A dump truck.

19 Q Was there ash still remaining after he had done  
20 this work?

21 A Yes.

22 Q How much would you say was left?

23 A I don't know.

24 Q The next document is Exhibit 20. Take a look  
25 at that.



1  
2 A Okay.

3 Q It's a memo dated October something but has  
4 a "Confidential" stamp over it. I can't read the date.  
5 Says October something. Memo from C. H. Boll to Al Tatro.

6 Note that the second page is dated October 8,  
7 1971. Do you recognize this memo?

8 A Yes.

9 Q Had you become plant manager at this time?

10 A I'm not sure whether I was plant manager or  
11 acting plant manager at that time.

12 There was a spell that I was acting plant  
13 manager between the time that Mr. Ciak had his heart attack  
14 and he was retired.

15 Q Did he come back to work after his heart attack?

16 A He had I think two heart attacks. He came back  
17 after the first one and I think it was after the second one  
18 that they retired him.

19 Q Were you working in the interim?

20 A Yes, I was acting plant manager.

21 Q The second page there is an item, says: "Cook  
22 out number 5 with phosphoric acid."

23 A Cleaning out number 5 condenser. It would have  
24 been the condenser for number 5 still.

25 Q What was in there that had to be cleaned out?

2 B

1  
2 A Over a period of time they would build up with  
3 the residue from the water being used.

4 Q Would that be cleaned on a regular basis?

5 A I couldn't say it was regular. It was done  
6 perhaps a couple of times.

7 Q What would be done with the material that was  
8 cleaned out?

9 A Actually the material that came out of there,  
10 it was suspended in water.

11 Q And what would happen with the material and the  
12 water?

13 A It was neutralized.

14 Q And then what happened to it?

15 A And dumped on the ground.

16 Q Whereabouts?

17 A Up on the area where the ashes were.

18 Q What does it mean "Flood number 4 condenser with  
19 E.B. crude...."?

20 A That we pumped out ethylbenzene into the  
21 condenser and then drained it back out.

22 Q What did you do with the ethylbenzene?

23 A Then it went back to the ethylbenzene crude  
24 tank.

25 Q "Wall over the oil tank." The fourth item. What

1  
2 does that refer to?

3 A We put a wall around the oil tank. That was  
4 the oil tank for the oil for the boilers. It was a retaining  
5 wall put around it and gravel and sand put in to more or  
6 less bury the tank.

7 It actually is not underground but there is a  
8 retaining wall around it.

9 Q Can you point it out on the drawing and label  
10 it also?

11 A Right here.

12 Q Is that the only oil tank as far as you know  
13 that has ever existed on their property?

14 A There is another oil tank that held number 2  
15 oil for an older boiler, discontinued and pumped out and  
16 discontinued use completely. I don't know what date.

17 Q Can you label that one "O"?

18 Was material ever taken to the incinerator  
19 directly from a drum?

20 A Yes.

21 Q And on what occasions would that be done?

22 A Usually about every time that the mixer was  
23 loaded with still bottoms.

24 Q Would that be customers' crude material in a  
25 drum?

1  
2 A That would be the crude material that came in  
3 for disposal.

4 Q As opposed to coming in --

5 A For recovery, yes.

6 Q How often would material come in for disposal  
7 rather than recovery?

8 A I don't know how often.

9 Q Did it happen on a regular basis?

10 A It increased over a period of time.

11 Q When did that first start?

12 A Probably late '60s.

13 Q Did it occur prior to the use of the incinerator?

14 A I don't recall whether we took in any for  
15 disposal before that. I don't think we did.

16 Q When stuff came in for disposal where was it  
17 disposed of?

18 A Where? It was used to thin out the still  
19 bottoms for the incinerator, a lot of it was recovered and  
20 resold and that was about it.

21 Q Was anything received for disposal that couldn't  
22 be reclaimed or incinerated?

23 A No, not until -- there was some later on toward  
24 the last part of my being manager.

25 Q Was stuff ever brought into the plant for

disposal and turned around to a disposal company for disposal?

A. Yes.

Q. Was that done on a regular basis?

A. Toward the end of my being manager it was, yes.

Q. Who was the disposal company or who were the disposal companies?

A. I think most of it went to I believe Niagara.  
I forgot the name of the place. They changed their names twice out there.

Q. Any of that material that came in for disposal to Ace?

A. It could have. I'm not sure but it's possible.

Q. What about New England Barrel, could any of it have gone to them?

A. No, I don't think so. I don't think we were taking it in at that time, not that type of material.

Q. When the sludge pit was in operation at any time did material taken in in a drum be disposed of rather than reclaimed?

A. No, not that I know of, no.

Q. Do you know of anyone or did you hear of anyone taking drums and just emptying them in the sludge pit rather than reclaiming them?

A No.

Q You don't remember?

A Not of raw solvent, no.

Q Anything else?

A No, we weren't taking solid and stuff in then.

Q Going back to the period when the incinerator was in operation, material that couldn't be incinerated, what was done with that?

A It was shipped out.

Q And what was that, New England Barrel?

A Could have been New England Barrel.

Q Could it have been Ace as well?

A Could have been.

Q Anyone else at that period of time other than those two?

A That company that you mentioned before -- McCalley, he could have taken it.

Q Could that have been the time that Solvents took its stuff to the Marek's property?

A No, that would have happened before that.

Q After, well --

Ever hear anything or know of anything of Solvents Recovery trucks taking anything other than any material, any waste material other than rubbish or that

material you have already mentioned to Marek's property, taking it anywhere other than Marek's property?

A Other than? Yes.

Q To Ottati & Goss site and to Niagara Falls?

A That's the only place they ever hauled it that I know of.

Q Ever haul it to Environmental Waste Removal?

A Not Solvents Recovery on trucks, no.

Q Who was Environmental Waste Removal?

A I believe the name changed from Ace Environmental to Environmental Waste Removal. Wait a minute, Environmental Waste. No, Solvents didn't haul anything over there.

MR. PARISE: We have another document to be marked.

(Six pages of miscellaneous documents marked Plaintiff's Exhibit 22 for Identification.)

BY MR. PARISE:

Q What is Marek's first name?

A Frank.

Q Can you look at this document which is now Exhibit 22?

(Letter dated July 28, 1977, from State of Connecticut Department of Environmental Protection, with attachments, four pages, was

marked Plaintiff's Exhibit 23 for  
Identification.)

BY MR. PARISE:

Q Do you recognize this?

A Yes, I do.

Q Can you describe what the first page is?

A What the first page is?

Q Yes.

A It's an invoice.

Q From Environmental Waste Removal to Solvents  
Recovery?

A Yes.

Q Handwriting on the first page, do you recognize  
that handwriting, numbers and the initials SR, the writing  
SR?

A I don't know what the SR is.

Q Could that be sludge removal?

A It's possible. I'm not sure whether that's it  
or somebody's initials.

MISS PERCELL: I might suggest it could  
also be Solvents Recovery.

BY MR. PARISE:

Q I see it on a number of records.

A I don't know what it is.



Q It says -- that indicates that on April 22, 1976, it says pumped thirty drums, three tanks, two pits, and there's a charge of .06. Do you recall what it was they were pumping?

A Yes, I believe water.

Q From drums?

A Waste water, yes.

Q From tanks? What were the pits that these are being referred to in April of '76, what pits were those?

A I believe that was the two little pits inside of the building.

Q Which in 1976 were being used for what?

A Pit "E" was being used for the drying process, the water from the drying process. And the other one was being used, distillate water coming out from the receivers inside the building.

Q The next page is the bill of lading dated April 23, '76?

A Right.

Q That's your signature down at the bottom?

A Yes.

Q This is copy one. Says three drums liquid caustic for disposal. Would that be what the three drums on the invoice are?

1  
2 A Yes, it is.

3 Q And then the second to the last page is a bill  
4 of lading with your signature on it?

5 A Yes.

6 Q That says: "3,000 gallons waster water removed  
7 for trial treatment."

8 A That's right.

9 Q So the tanks and the pits would be the 3,000  
10 gallons?

11 A Yes, they would.

12 Q And why was this given to Environmental Waste  
13 Removal rather than Ace or another hauler?

14 A Because they were treating the stuff I guess.  
15 I don't really know. I had forgotten about this.

16 Q It might have been for trial treatment?

17 A That's what it was for.

18 Q That's what it was for. Do you know where  
19 New England Barrel Company was bringing the barrels that  
20 it took from Solvents?

21 A I don't have the slightest idea.

22 Q Did it ever mention where it was going?

23 A Never.

24 Q And the bill of lading says the "Destination."  
25 What would that mean?

A The destination was New Haven. That was his business address.

Q But you didn't know?

A I didn't know.

Q Did you ever hear of where it could have been going?

A No.

Q Do you know if it was going to landfills?

A I really don't know. If I knew I would tell you but I don't know.

Q Do you know where Ace Septic Tank Service was bringing the waste it took?

A Do I know? Yes.

Q Where?

A Bristol Landfill.

Q Do you know if it was going anywhere else?

A Not that I know of.

Q Did it ever go to the Southington Landfill?

A Not that I know of.

Q How do you know it was going to the Bristol Landfill?

A I was told.

Q By who?

A No.

Q Do you remember when you were told?

A No.

(Three pages of documents concerning  
Ace Septic Tank Service were marked Plaintiff's  
Exhibit 24 for Identification.)

BY MR. PARISE.

Q Look at Exhibit 24 and let me know if you  
recognize that.

A Yes, I do.

Q When Ace would come to pick up stuff would it  
pick up both barrels and drums and bulk at the same time  
or would it be different?

A Different trucks.

Q Would both trucks come at the same time?

A It's possible that they would both be there at  
the same time.

Q Would they ever pump out barrels into the bulk  
truck or just take the barrels as is?

A No, they would pump out of the barrels that we  
had stored waste water in.

Q Did they ever haul away drums of still bottoms?

A Yes.

Q Was that after the incinerator or during the  
time?

2 A. I believe it was.

3 Q. Did they also haul still bottoms that couldn't  
4 be incinerated?

5 A. Yes.

6 Q. When they would come to the plant to pick up  
7 the material would they check with anyone?

8 A. Usually with me or the foreman.

9 Q. Were they called to pick it up or would they  
10 come on a schedule?

11 A. Both. They could have been on a schedule for  
12 a while, I believe they were. And there was times that I  
13 would call them.

14 Q. Do you remember what the schedule was?

15 A. No, I don't.

16 Q. If it was monthly, daily or weekly?

17 A. For a while, probably daily.

18 Q. What time period would that be?

19 A. It could be anytime after from 6 o'clock in  
20 the morning till 5 o'clock at night.

21 Q. But what time, what year were they coming in  
22 daily?

23 A. What year?

24 Q. Yes, or years.

25 A. I'm not sure of the year.

1  
2 Q Was it a substantial period of time?

3 A Yes.

4 Q What were they hauling during this period of  
5 time, were they barrels or bulk or both?

6 A Both.

7 Q And would they -- who would write up the bill  
8 of lading for the material?

9 A I would unless it was before I got in the  
10 morning or after I left at night, then the foreman would  
11 do the bills of lading.

12 Q Would Ace come in at night to pick stuff up?

13 A He could have on occasion.

14 Q Do you remember any occasions?

15 A No.

16 Q Were you working at night?

17 A No. As a manager I worked from 9:00 to 5:00 or  
18 I was supposed to have.

19 Q And you would if they came during the day you  
20 would sign the bill of lading?

21 A Yes, I would.

22 Q Looking at the first page of Exhibit 24, what  
23 is the first page?

24 A I believe it's an invoice.

25 Q And it indicates 1,553 drums removed?

2 A Yes.

3 Q At \$6.00 each?

4 A Yes.

5 Q Then there's a price of \$9,318.00?

6 A Right.

7 Q This is accurate, that is for the period from  
8 July 1st to July 31st, 1977?

9 A Right.

10 Q And then it says 41,000 gallons removed @ \$.06,  
11 I guess?

12 A Six cents a gallon.

13 Q And then whose writing is this, the handwriting  
14 on the invoice? Do you recognize that?

15 A No.

16 Q Do you know who could -- do you know whose it  
17 could be?

18 A The handwriting is apparently from somebody in  
19 the New Jersey office when they paid the invoice.

20 Q Okay. In the bills of lading on the second  
21 and third page it indicates a septic was consigned, a septic  
22 tank. And delivering carrier was Ace?

23 A Yes.

24 Q Destination: Bristol. You wrote in Bristol.  
25 Why did you write that?

1  
2 A. Because they are based in Bristol.

3 Q Did you mean the Bristol Landfill?

4 A. No, that's where they were located.

5 Q At this time did you know where the material  
6 was going?

7 A At this particular date?

8 Q Yes.

9 A I really can't say whether I found out before  
10 or after or during.

11 Q And Mr. Garrity signed as the agent for who?

12 A He was the man that was driving the truck that  
13 picked it up.

14 Q And then the second invoice has the same  
15 information on it except for the material, is that correct?

16 A Yes.

17 Q The first invoice says 6,000 gallons sludge to  
18 dispose of, and the second invoice says 190 full drums  
19 sludge to dispose of.

20 Do you know what the sludge would be? Is that  
21 still bottoms?

22 A Still bottoms.

23 Q And the gallons?

24 A Well, I'm sorry, sludge would be -- still bottoms  
25 would have been waste water written out as sludge. It could



1 have been written out as -- you go back and look at all  
2 the bills of lading and you probably won't find them all  
3 identical as to identification anyway.

4  
5 Q What would the waste water be from?

6 A The distillate water from the drying process,  
7 that type of stuff.

8 Q Could it have been still bottoms?

9 A Some of the water could have been from the  
10 still bottoms, yes.

11 Q Could some of the barrels contain nothing but  
12 the still bottoms, full drums of still bottoms?

13 A Yes. The barrels did contain full drums of  
14 still bottoms.

15 Q The first invoice says 6,000 gallons to dispose  
16 of. The second says 190 full drums to dispose.

17 A 190 -- full drums are solid still bottoms.

18 Q And the first invoice you think refers to --

19 A Waste water.

20 Q Waste water. Do you remember when Solvents  
21 stopped using Ace as --

22 A I don't remember the date, no.

23 Q -- a firm?

24 What arrangements were made with Ace, was there  
25 a contract between them?

2 A No, no contract.

3 Q As we said before, as we discussed before,  
4 would it be a phone call to them to come to pick it up  
5 or on a schedule?

6 A When we had a backlog of drums they came  
7 whenever they could, when they had trucks available to get  
8 the material. Once the backlog of still bottoms was cleaned  
9 up then they would come whenever they were called.

10 MR. PARISE: Next document is  
11 Exhibit 25.

12 (Three-page document marked Plaintiff's  
13 Exhibit 25 for Identification.)

14 BY MR. PARISE:

15 Q Have you ever seen this before?

16 A I'ts possible that I have.

17 Q Have you seen the letter or have you ever seen  
18 this letter before?

19 A The letter? I don't think so, no.

20 Q Have you ever seen the enclosures?

21 A The first enclosure, no. I don't think -- I  
22 don't think I have seen it.

23 Q Were you ever informed, first of all, who is  
24 John P. O'Connell?

25 A Vice-president of Solvents Recovery.

Q When did he become vice-president?

A I don't know the dates.

Q Was he vice-president when you started working there?

A No.

Q Who was vice-president at that time?

A When I started working for them I really don't know who was.

Q What is Salv, Inc.?

A Salv, Inc., I believe came about when that SRS got into the waste disposal, when they started taking material for disposal.

Q And for disposal where?

A Either recovery and resale or whatever to use as a BTU content for thinning out the sludge that was incinerated.

Q Now, did Mr. O'Connell or anyone mention to you the substance of what is related to Mr. O'Connell in the letter here, that is, Ace Environmental was observed discharging solvents at the Bristol Landfill on July 27th?

A I could have known about it. I don't recall seeing this letter. There was a lot of letters that I didn't see.

Q Do you recall anyone telling you about that

1  
2 incident?

3 A I was undoubtedly told about it, but recalling  
4 who told me, I don't really know.

5 Q Do you remember anyone saying to you, directing  
6 you to not allow Ace to dispose of anything for Solvents  
7 after you were informed of this incident?

8 A No.

9 Q When was Ace finally not used anymore?

10 A I don't know the date.

11 Q Do you know why they were not used anymore?

12 A I believe because they were dumping in the  
13 Bristol Landfill.

14 Q Was that because they were no longer in business,  
15 was that the reason?

16 A To say Ace was no longer in business I suppose  
17 would be correct. They went, I think, under the name of  
18 Industrial Environmental after Ace. Now, whether Ace still  
19 existed or not I'm not sure.

20 Q Did Solvents use Environmental Industrial  
21 services after Ace?

22 A I believe they did for a short period of time.

23 Q The next document is Exhibit 25, and it's very  
24 hard to read, the xeroxing. Have you ever seen this document  
25 before?

A I don't know whether I have or not.

Q The only question I have for you is it says, what is this anyway, have you ever seen this type of a document before?

A I think this was the analysis of waste water from the drying operations. That's what it appears to be.

Q Is that a lab report from Solvents Recovery's lab?

A In New Jersey, yes.

Q Is it on this type of form?

A Yes. These are lab analysis reports.

Q Have you ever heard the name Mr. Edward Angelillo?

A Yes.

Q Who is Mr. Angelillo?

A He's a scrap dealer, I believe, in Southington.

Q Did he have any relationship with Solvents Recovery?

A Yes, he did.

Q What was that?

A Drums that were no good, 55-gallon drums that are not suitable for reconditioning.

Q Would Solvents sell them to him or --

A He took them usually for nothing. I don't think he ever paid for any. He just took them off our hands

because they were junk drums.

Q Do you know what time period that was in?

A No.

Q Was anything in the drums?

A There could have been sediment in them, settled out from the liquid solids that we couldn't pump out.

Q Heavy bottoms?

A Heavy bottoms, yes.

Q At any time do you know of any time when a full drum, heavy drum --

A Full drums?

Q -- were given to him?

A Not full.

Q Would a heavy drum, could a heavy drum be full with heavy material?

A Can a heavy drum be full? No.

Q Why is that?

A Because what we classified as heavy drums could have been two kinds of material in the bottom that was heavy, be paint pigment or something, could be extremely heavy and the reconditioner would not take them.

Q So what would you use Mr. Angelillo for?

A To take them away and as far as I know he crushed them.

Q Do you know where he operated his business?

A I don't know where he did. As far as I know he had property somewhere in Southington. I don't know where his property is.

Q Do you know what he did with the drums?

A Sold them to junkies as far as I know.

Q Do you know if Mr. Angelillo ever had a permit to take -- to dispose of those drums?

A I think he did.

Q Were you ever informed whether or not he didn't have a permit?

A Yes, I think I was.

Q Informed of what?

A I was informed that his permit hadn't been renewed.

Q Do you know who informed you of that?

A State of Connecticut.

Q Do you know when that was?

A I don't know the dates, no.

Q But was it by letter or word of mouth?

A By phone I believe. I don't recall whether I got a letter on that or not.

MR. PARISE: Could I have this marked as the next exhibit?

(Two letters dated November 9, 1977,  
marked Plaintiff's Exhibit 26 for Identification.)

BY MR. PARISE:

Q Take a look at this letter. Did you receive  
this? This is in regards to Mr. Angelillo.

A Yes, I believe I did receive that.

Q And the first page points out, the handwriting  
says to UM and AT?

A Right.

Q That means you were copied on this?

A It means I received a copy of it.

Q Would that be from Mr. O'Connell?

A I would have received it from him, yes.

Q Where was Mr. O'Connell's office?

A In New Jersey.

Q I'm going to show you some documents and see if  
you have ever seen them before. The first page is the only  
one, the rest are copies.

A No, I didn't receive copies of this type of  
stuff.

Q These are documents, one is Newlands Sanitary  
Laboratories. What about New York Testing Labs, this is  
another document.

A No.



1  
2 Q That one is dated --

3 A I don't recall seeing this stuff.

4 Q Do you know what these samples were taken of,  
5 why these were taken?

6 A I don't know what they were taken of, no.

7 Q This one says July 11, 1977, says four water  
8 samples.

9 A I don't know where they were taken from. I  
10 really don't.

11 Q There is number 001, number 002, Connecticut  
12 Stream 003. Does that mean anything?

13 A Connecticut Stream? Possibly that sample came  
14 out of the Quinnipiac River.

15 Q See if you know, have you ever seen this before?

16 A It's something that New York Testing Laboratories  
17 had, I have never seen it. I haven't even heard of the  
18 laboratories, as a matter of fact. I didn't know that there  
19 were any samples being sent to them.

20 Q Do you know who would have received these?

21 A Samples?

22 Q These reports.

23 A Probably whoever was vice-president or Mr. Boll  
24 at the time.

25 Q Any memory of dirt samples being taken in

1  
2 July, 1977?

3 A It's possible that they were but I don't know  
4 for sure.

5 Q Who did you report to when you became plant  
6 manager or acting plant manager and afterwards?

7 A I reported to a number of people. It could  
8 have been vice-president of manufacturing, Mr. Boll.

9 Q Who was manager of manufacturing?

10 A When I became manager?

11 Q Or acting plant manager.

12 A I think Mr. Lanyon.

13 Q And after him?

14 A John Cleveland. His name was John Cleveland,  
15 a short period of time.

16 Q Do you know where Mr. Lanyon is?

17 A No.

18 Q Do you know where his last known whereabouts  
19 were?

20 A Somewhere in New Jersey and I don't know where.

21 Q Who else did you report to besides manager of  
22 manufacturing and Mr. Boll?

23 A John O'Connell, Uli Marini, James Hughes maybe  
24 for a very short period of time.

25 Q Anyone else?

2 A I believe that's all that I can think of.

3 Q Have you ever had any discussions with anyone  
4 about how much room there is at the plant for barrel  
5 storage?

6 A Have I ever had what?

7 Q Discussions with anyone about how much room  
8 there is at the plant for barrel storage?

9 A Yes.

10 Q What was the cause for those discussions?

11 A We were running out of room to store barrels.

12 Q Was the cause of any of those discussions dealing  
13 with not putting full barrels on bare ground, was that  
14 another reason for those discussions?

15 A Yes.

16 Q When did the discussions for that reason begin?

17 A I don't know when they began, the dates.

18 Q Was that when you were plant manager?

19 A Yes.

20 Q What was the problem with putting full barrels  
21 on bare ground?

22 A They were afraid of leaks.

23 Q Were there leaks?

24 A On occasion, as I explained before.

25 Q What about the area that is known as the tank

2 farm? Can you indicate that on the drawing with the  
3 letter "P"?

4 When you came to work for the plant was that  
5 area used at all for tank farm as storage?

6 A No.

7 Q When was that first used?

8 A I don't know the dates on that.

9 Q When it was first used were tanks installed  
10 there?

11 A Were tanks installed? Sure.

12 Q That was its first use?

13 A Yes.

14 Q Was any pavement or any other material put on  
15 the ground underneath the storage tanks?

16 A No.

17 Q When was the first time -- was the pavement  
18 eventually put down on the ground there?

19 A No, not as a floor.

20 Q What pavement was put down?

21 A A retaining wall was put down there. There was  
22 pavement put down as pads for the saddles to hold the tanks.

23 Q Were there ever leaks to your knowledge in the  
24 tank farm area?

25 A Sure.

2A

Q What would be the cause of those leaks?

A Holes rupturing.

Q In the storage tanks?

A In the storage tank area, yes.

Q Any other causes?

A No, not that I know of but the only thing that could happen is a hose ruptured.

Q Did that ever happen?

A Yes, couple of times.

Q Any spillage from connecting hoses to their connections?

A There always has to be a little spillage from disconnecting a hose.

Q When that happened, when spillage occurred in the tank farm area, was it cleaned up?

A Yes, it was.

Q Was that always the case?

A It was cleaned up as best we could do.

Q Was it ever left there for a time before being cleaned up?

A In the earlier years, yes, probably was for a short period of time, until we got the pumps set up.

Q Was it also true of spills or leaks that occurred in the barrel storage area?

1  
2 A That material sat there for a period of time  
3 in the earlier years.

4 Q What were the tank -- storage tanks, well,  
5 supported by what? What would it be supported by in the  
6 tank farm area?

7 A Steel saddles that they sat on, the saddles  
8 sat on twelve by twelve wood beams and then later on the  
9 concrete was put in to support them.

10 Q Was there ever concrete blocks or railroad ties  
11 used?

12 A There could have been railroad ties up there,  
13 yes, and I think there was some at one time that were put  
14 on a special made concrete block.

15 Q Any of the tanks ever sunk into the ground or  
16 touching the ground?

17 A Tanks ever touch the ground? Yes.

18 Q Was that from subsidence into the ground?

19 A Yes.

20 Q When you left working for Solvents Recovery  
21 what was the condition of the tank farm?

22 A I believe every tank but one had concrete pads,  
23 saddles.

24 Q Was the tank farm an area of repair and  
25 renovation over the last few years?

1  
2 A Yes, they were always doing things to it.

3 Q Let me show you the next document which will  
4 be number 27.

5 (Four-page Subject-To letter dated  
6 November 15, 1976, marked Plaintiff's Exhibit 27  
7 for Identification.)

8 BY MR. PARISE:

9 Q Take a look at this. November 15, 1976, a memo  
10 from Uli Marini to John P. O'Connell, and there is a cc to  
11 a AVT on the back. I'm interested in Item number 7 on the  
12 second page.

13 Do you recognize this?

14 A Yes.

15 Q You've seen it before?

16 A Yes.

17 Q Do you remember having discussions with  
18 Mr. Marini?

19 A Yes.

20 Q About this?

21 What was the purpose of reducing the drum  
22 inventory?

23 A Because we were getting too many drums in the  
24 yard.

25 Q Because there wasn't enough room on the concrete

1  
2 pad?

3 A That's right.

4 Q Was that the major reason?

5 A Yes.

6 Q Do you know how many drums there was room for  
7 on the concrete pad?

8 A No, I don't.

9 Q Do you know any goal anyone had of the number  
10 of drums to have on the concrete pad? Was there any number  
11 as a goal?

12 A I don't recall of any specific number, no.

13 Q What does it mean to be "shipping disposable  
14 flammable sludge by drums to Linden"?

15 A This was material that was taken in, flammable  
16 material that was taken in for disposal, again was used,  
17 I believe the company had a fuels program going at that  
18 time.

19 And it was used for BTU content to thin still  
20 bottoms for incineration.

21 Q Item 3 says: "Keep disposing of normal sludge  
22 drums to Connecticut Landfill."

23 A Yes.

24 Q What is being referred to?

25 A Keep shipping by apparently it was Ace Septic



1  
2 Tanks for the solid still bottom drums that he had been  
3 taking.

4 MR. PARISE: Next document will be  
5 Exhibit 28.

6 (Two-page Subject-To letter dated  
7 June 3, 1977, marked Plaintiff's Exhibit 28  
8 for Identification.)

9 BY MR. PARISE:

10 Q Take a look at this and see if you recognize  
11 that.

12 A Yes, I've seen this.

13 Q What was the purpose of curbing the drum storage  
14 area?

15 A To eliminate all possibility of any leaks  
16 getting away, and I believe it was to also stop the run-off  
17 of rainwater.

18 Q And again they store all drums on concrete?

19 A Right.

20 Q Same reason?

21 A Same reason.

22 Q Was a curb ever put in around the drum storage  
23 area?

24 A No.

25 Q Was it ever the case that all the drums that were

full of material were stored on concrete and not on bare ground?

A Yes, I believe it was when I left.

Q When you left?

A And for a period of time before.

Q How long before?

A I don't really know for sure.

Q Years or months?

A Probably months.

MR. PARISE: Next document will be Exhibit 29.

(Memo dated July 28, 1977, marked Plaintiff's Exhibit 29 for Identification.)

BY MR. PARISE:

Q Take a look at this. I'm particularly interested in items numbered 1 and 10. This is your memo?

A Yes.

Q That's your signature? Is that your signature?

A Yes, it is.

Q What are the salt pits?

A The salt pit was the pit "E" inside the building from the drying process.

Q And number 10 says solids held for disposition?

A Right. They were held for disposition, for

1  
2 disposal.

3 Q How would they be disposed of?

4 A They were taken away by I think originally --  
5 started -- some of them might have gone to Ace Septic Tank  
6 Service and eventually -- and I don't know what period of  
7 time they went to our New Jersey plant, our New Jersey  
8 facility.

9 (Subject-To letter dated July 28, 1977,  
10 marked Plaintiff's Exhibit 30 for  
11 Identification.)

12 BY MR. PARISE:

13 Q Take a look at the next exhibit, which is  
14 number 30. Do you recognize this document?

15 A Yes, I've seen it before.

16 Q Is that handwriting on that "File N.E. Disposal,"  
17 do you know whose handwriting that is?

18 A That I don't know.

19 Q Do you know if a file exists called New England  
20 Disposal?

21 A We have a customer or had a customer file for  
22 disposal customers.

23 Q Where was that kept?

24 A In the New England office.

25 Q What is Solite and the name Keystone, what were

1  
2 those?

3 A They're cement companies, manufacturers of  
4 cement.

5 Q So this is your fuel program?

6 A Yes, it is.

7 Q So after this memo was any business conducted,  
8 disposal business conducted without Mr. O'Connell's approval?

9 A No, it wasn't, not to my knowledge.

10 Q Was any brought in to the plant that was not  
11 put into the fuel program after this memo?

12 A Not until I was told that I could. Eventually  
13 picked up.

14 Q So after this memo nothing could be brought  
15 into the plant except with Mr. O'Connell's approval for  
16 disposal?

17 A Right.

18 Q Was stuff brought in the plant and disposed of,  
19 still bottoms disposed of by Ace rather than in the fuel  
20 program after this memo?

21 A I don't know when Ace quit calling and still  
22 bottoms were not brought in the plant, that was something  
23 that came from the plant, from the operation.

24 Q My question was wrong.

25 After this memo, well, what was the purpose of

1  
2 this memo, what was Mr. O'Connell trying to accomplish?

3 A Reduce inventory in the plant, and at that  
4 present time we had no place to take solid drums and stuff.

5 Q Take you still bottoms?

6 A Yes.

7 MISS PERCELL: Do you mean still

8 bottoms?

9 A We had a place for still bottoms, because we  
10 had a fuels program going, but we had no place for any solid  
11 material or any material that would not burn.

12 Q Okay. And that's his concern that being cut  
13 off by Ace you could not dispose of that material, that  
14 material that couldn't go into the fuels program?

15 A Right.

16 Q My question is do you know if stuff was taken  
17 by Ace and any business was conducted that resulted in  
18 still bottoms or solid material that couldn't go into the  
19 fuels program but was and then thus hauled off by Ace after  
20 this memo?

21 A I don't know when Ace quit hauling. Therefore,  
22 you know, the date on the memo I can't say.

23 Q Ace could have been hauling material for  
24 Solvents after this memo?

25 A They could have but again I don't know what the

cut-off date was. Apparently it was before this memo.

I know once they were cut off there was nothing shipped out by Ace.

Q Through Ace you mean?

A Through Ace.

Q Unless it was with Mr. O'Connell's approval?

A That's right.

MR. PARISE: This will be 31.

(Interdepartment message dated 1/13/78 marked Plaintiff's Exhibit 31 for Identification.)

BY MR. PARISE:

Q Take a look at this.

(Subject-To letter dated July 21, 1978, marked Plaintiff's Exhibit 32 for Identification.)

BY MR. PARISE:

Q Have you ever seen this before?

A No.

Q This is a memo dated January 13, 1978, and it's a -- I can't tell what the agency says. It appears to be an inspection from DEP.

The first sentence, "the writer accompanied Mike Caprano from DEP Oil and Chemical to SRS in Southington."

1 Do you remember this visit?

2 A No, I don't.

3 Q You don't recall that visit at all?

4 The next document is Exhibit 32, and it's a  
5 memo from UFM to AVT. Is that Mr. Marini?

6 A Yes, it is.

7 (Four-page document concerning  
8 New England sales meeting of 7/25/79 marked  
9 Plaintiff's Exhibit 33 for Identification.)  
10

11 BY MR. PARISE:

12 Q Have you ever seen this before?

13 A Yes, I have.

14 Q Why is Mr. Marini recommending a reduction of  
15 drum inventory to 5,000 drums maximum?

16 A It's quite possible that was the number of  
17 drums that the concrete pads would hold. I never did know  
18 the exact number they would hold.

19 Q Would that be 5,000 drums stacked in a certain  
20 way?

21 A Stacked three high.

22 Q Did you ever stack them more than three high?

23 A No.

24 Q Why would you not do that?

25 A Danger of them toppling over.

Q And the next document is Exhibit 33. I'm only going to be interested in the first page.

Have you ever seen this before?

A Yes, I have.

Q Do you know who wrote it? I guess it indicates that.

A Mr. Marini.

Q This is a memorandum of a meeting that took place in July, July 25, 1979?

A Yes, it is.

Q In item D under number 1 it says: "#3 drums will be taken in when feasible using drum storage availability as the criteria."

What are #3 drums?

A I forgot what the classifications were on those. I know they were classified but I don't recall what it was because it was something that developed very late to my knowledge.

Q Was that a classification that the company gave to types of drums?

A Yes.

Q Rather than an industry-wide practice?

A Yes, it was a company classification.

Q Did you classify drums as to heavy bottoms versus



1  
2 drums that could be completely pumped out?

3 A That's what that classification was but I don't  
4 remember what the numbers were, corresponded with the type  
5 of drum.

6 Q Under number 2, inventory of drums at New  
7 England plant, do you recall the reasons, the circumstances  
8 in May of '78, why there was 9,014 drums at the plant?

9 A I don't know what the reason was. Apparently  
10 because our customers had more drums to send in.

11 Q Mr. Marini, is he referring to full drums in  
12 that number?

13 A Yes.

14 Q Later on it's mentioned that 6,000 drums will  
15 be our maximum allowable, we will not and cannot store full  
16 drums off the concrete pad.

17 Do you see that?

18 A Yes.

19 Q Do you remember that being discussed?

20 A Yes.

21 Q During this period of time when there were  
22 9,000 drums there were a substantial number of drums stored  
23 off the concrete pad?

24 A I would say, yes, that there was.

25 Q Why was 6,000 chosen as a figure being discussed

1  
2 here?

3 A That I don't know.

4 (Two-page document marked Plaintiff's  
5 Exhibit 34 for Identification.)

6 (Letter dated October 31, 1974, two  
7 pages, marked Plaintiff's Exhibit 35 for  
8 Identification.)

9 BY MR. PARISE:

10 Q Would you look at this document, number 34,  
11 particularly interested in the second page.

12 Do you recognize this?

13 A Yes.

14 Q It's your handwriting?

15 A Yes, it is.

16 Q What is going on? Explain it briefly. I'm  
17 not sure I understand what the problem was that was being  
18 discussed here.

19 A We picked up material. As far as our customers  
20 knew it was for disposal but the material had resale value  
21 to it, and therefore it was recovered and resold as good  
22 material.

23 There used to be sort of an inter thing between  
24 the salesmen that used to happen now and then. And this  
25 is just what happened to the report, that's all.

1 Q That was I guess a mix-up in the billing?

2 A That's right, that's all it was.

3 Q The customers would pay a disposal charge?

4 A That's right.

5 Q Rather than for recovery?

6 A Right.

7 Q And take a look at this last document, number 35.

8 It's a letter dated October 31, 1974, to Solvents Recovery  
9 Service of New Jersey from, no, it's on Solvents Recovery  
10 Service of New Jersey letterhead to A. B. Murray Company,  
11 Incorporated, Elizabeth, New Jersey.  
12

13 Ever seen this before?

14 A Yes, I have.

15 Q Who is Mr. McNamara?

16 A He was the corporate engineer.

17 Q What is this that's being purchased? That's  
18 my question.

19 A This material was purchased for the fractionating  
20 tower.

21 Q Okay. Now I understand.

22 Who did Mr. McNamara work for?

23 A Solvents Recovery of New Jersey. He's a  
24 corporate engineer.

25 Q And this was for the Southington plant?

1  
2 A Yes.

3 Q Did the tanks in the tank farm, well, just  
4 wanted to ask you, I'm not going to put these into the  
5 record if you can tell me what they are, the first thing  
6 is a ledger, I imagine.

7 Do you recognize this?

8 A No.

9 Q Do you know who kept this or have you ever  
10 seen it before?

11 A It's a ledger, lists customers and quarters  
12 for quarterly quarters and lists first, second and third  
13 quarter of 1970, 1971. I don't know who made this or kept  
14 it.

15 Q Do you know who could have, any idea which  
16 division?

17 A Probably the New Jersey office.

18 Q The next thing is a series of documents. It's  
19 just labeled weekly shipments, Southington. It goes from  
20 December of '78 to January 3, 1980.

21 Have you ever seen this before?

22 A Yes.

23 Q Who compiles those?

24 A New England office.

25 Q Were you responsible for putting them together?

1  
2 A My secretary was responsible for putting them  
3 together.

4 Q What does this describe briefly?

5 A Shipments being made back to customers,  
6 recovered product.

7 Q And another series of documents labeled weekly  
8 receipts, Southington, again with May 1st, '78, and going  
9 to January 3, 1981.

10 On the previous one I showed you it went to  
11 January 3, 1981 as well. Have you ever seen this before?

12 A Yes, I have.

13 Q And who compiled that?

14 A My secretary did.

15 Q Who was your secretary?

16 A Bobbie Kizilski.

17 Q Is she still employed?

18 A No.

19 Q Was she your secretary, who was your secretary  
20 after Bobbie?

21 A Darlene McGraw.

22 Q After her, anyone?

23 A No, she was my secretary when I left.

24 MR. PARISE: No more questions.

25 (Recess.)

## CROSS-EXAMINATION

BY MR. MILLSTONE:

Q I want to begin, Mr. Tatro, by asking you some questions about your duties as manager of the plant during the time that you were manager.

As manager of the plant did you schedule the work of the employees at the plant?

A Yes, I did.

Q And did you then assign people for one shift or the next?

A Yes.

Q And assign deliveries to drivers and pickup by drivers?

A Yes.

Q Did you make arrangements with customers for the pickup and delivery, did you yourself make arrangements with customers for delivery and pickup?

A Yes, I did.

Q Did you make arrangements with them as regards to price?

A No.

Q Did you yourself initiate contacts with new customers?

A No.

Q When a customer had material, when a new customer had material to bring in did you ever have occasion to handle the materials, the sample material that would be analyzed at the New Jersey laboratory?

A After the salesman got it.

Q The salesman would bring it to you?

A And mail it to New Jersey.

Q Would the laboratory reports come back to you?

A No. Copies of them came back to me. The originals went back to the sales representatives.

Q Do you know who would set the financial arrangements between the customer and Solvents?

A That was handled by sales.

Q Were you involved with purchasing material?

A Purchasing of what material?

Q Were you involved with the purchasing of supplies, brooms, dust bins?

A Of course I was.

Q How did that work, how did you do that?

A By ordering them by phone.

Q Did you select the suppliers that you would order from?

A Did I select them?

Q Yes. How did you pick up somebody who would

1  
2 supply brooms?

3 A Most of the suppliers were in existence when I  
4 took over as manager. I continued to use them.

5 Q You would just call up and say, "Give me another  
6 five shovels" or something like that?

7 A Correct.

8 Q How about for those suppliers with whom there  
9 was not an existing business relationship? I mean, for  
10 example, there are some for contracting in the construction  
11 area, there is some, there is a letter in here suggesting  
12 you should go get bids. How would you go about doing that?

13 A Start out with the yellow pages, getting names  
14 of people that supplied the service that we were looking  
15 for.

16 Q And then?

17 A Call them, get prices.

18 Q And then what would you do?

19 A They would be forwarded to our New Jersey office  
20 to whomever told me to get prices.

21 Q Did you yourself ever make a final decision  
22 about who would get such one piece of work or another?

23 A No, not as far as contracts were concerned.

24 Q On no contracts at all?

25 A No.



2 Q But for minor purchasing you did that?

3 A That's right.

4 Q Would there be guidelines of certain amounts  
5 of money above which you had to send the instructions to,  
6 the bids to New Jersey or something like that?

7 A Yes, there were.

8 Q What were those guidelines?

9 A I don't recall dollar amounts.

10 Q Approximately? A hundred, a thousand dollars,  
11 ten thousand dollars?

12 A It could have varied, it could have been two-  
13 fifty one year and five hundred the next. It wasn't  
14 necessarily an amount year to year, same dollar amount.

15 Q Do you think as a maximum looking for a top  
16 figure, do you think that in general over the years and  
17 of course remember we are talking about approximately ten  
18 years here that the New Jersey office wanted you to not  
19 make decisions about purchasing in excess of a thousand  
20 dollars?

21 A Repeat the question.

22 Q Do you think that the New Jersey office wanted  
23 you to not make decisions yourself, shouldn't make the  
24 decisions about purchasing in excess of a thousand dollars  
25 but you have those decisions left to New Jersey?

1  
2 A The decisions to purchase in excess of the  
3 amount that I was given were made by New Jersey, definitely.

4 Q Did that ever exceed a thousand dollars, that  
5 amount?

6 A Did I have power to purchase over a thousand  
7 dollars?

8 Q Yes.

9 A No.

10 Q Did it ever exceed five hundred dollars?

11 A I don't recall that it ever did.

12 Q When you became manager was there at that time  
13 a relationship with Ace, was Ace hauling the stuff away?

14 A No, I don't think so.

15 Q Did you then initiate the relationship with  
16 Ace?

17 A No, I did not initiate it.

18 Q Do you know who did?

19 A I believe Ace came to me and they were  
20 referred to the New Jersey office.

21 Q Did Ace come knocking on the door and say, "Hey,  
22 we're Ace and we would like to take whatever away"?

23 A So to speak.

24 Q To whom did you refer them in New Jersey?

25 A I don't recall the date Ace came to me, therefore,

I don't know who my boss was at that time. I'm sorry, but I'm very poor at dates.

Q Do you remember who from Ace came to you?

A I believe it was Joe Garrity and Rocco Delfino both came to the office at that present time.

Q Do you remember what they proposed to you?

A They told me they could perform a service that we needed.

Q How would they know you needed that service?

A That I don't know.

Q Did they describe what the service was they were going to perform?

A They said they would handle our solid waste, yes.

Q Did you tell them about the quantity of solid waste you were generating?

A Yes.

Q What quantity was that?

A I don't recall.

Q Do they discuss price with you?

A Not with me they didn't, not that I can recall anyway.

Q And so they came and they said this -- you then referred them to someone in New Jersey?

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A Right.

Q Whoever it was in New Jersey, was that person the person who was your boss at the time?

A That is who I would refer them to.

Q And that's who you did refer them to?

A As far as I know I did, yes.

Q How did you discover that Ace was working picking up material from Solvents then?

A How did I discover?

Q How did you discover, did they show up one day and say, "Here we are." Or did you get a call from New Jersey saying that we have decided to give it to Ace?

A I was told by my boss, whoever he was at the time, it was okay.

Q Did your boss call you up and tell you this?

A It could have been by phone, it could have been.

Q You don't have any memory at all?

A I'm sorry but I don't.

Q Did you ever have any conversations yourself with people in New Jersey about Ace prior to their hauling things away, coming to haul things away? Did they ever call you up and did you ever talk to them about Ace?

A I didn't know who Ace was until Ace came in to

1  
2 the office.

3 Q After you sent them to New Jersey were you  
4 consulted, did the people in New Jersey call you up and  
5 say, "Golly, gee, we got these people called Ace that came  
6 by and you sent them. Are these people we should be doing  
7 business with?"

8 A No, I wasn't consulted anything like that, no.

9 Q Is that a pattern in which contractors would  
10 be referred to New Jersey, would contractors be referred  
11 to New Jersey and then New Jersey would make a selection,  
12 is that true, throughout the entire period that you were  
13 plant manager?

14 A Depends on what the contractors were contracting  
15 for. Specific to the type of contractor.

16 Q Do you remember yourself selecting contractors  
17 for some jobs?

18 A They would have been approved by New Jersey.

19 Q But you remember selecting, do you remember  
20 selecting?

21 A Personally selecting a contractor?

22 Q And saying I've selected this one, he's the  
23 low bid and whatever?

24 A Not usually.

25 Q You don't remember selecting any of them then?

1  
2 Q And so in all financial matters then all of  
3 these were handled by New Jersey?

4 A Most financial matters were handled by New  
5 Jersey.

6 Q Directing your attention to the memorandum  
7 from Boll to Tatro, which is -- well, when you were made  
8 plant manager was your authority approximately the same  
9 as that of the person that was in the job before you?

10 A Approximately the same, yes.

11 Q Would you say that he had more authority or  
12 less?

13 A I think perhaps he might have had a little more  
14 authority.

15 Q In what way?

16 A Probably in the decision-making of contractors  
17 and et cetera.

18 Q Is this based on a feeling or some vague memories  
19 or do you know why you think he might have had more  
20 authority?

21 A I think probably because at the time he had  
22 more experience.

23 Q Just wanted to show you this memo from Boll to  
24 Tatro which has been marked for identification as number 20,  
25 wanted to direct your attention -- would you say that this

1  
2 memorandum, which you have identified in the past just a  
3 while ago as having been sent to you during the time you  
4 were plant manager, would you say that was at the beginning  
5 of the period you were plant manager?

6 A Either acting plant manager or plant manager.  
7 I don't know what date I became plant manager.

8 Q And looking at the instructions from Boll to  
9 you, would you say that these are typical operating  
10 suggestions as to getting bids and whatever like that, for  
11 example, directing your attention to 1A and B --

12 A Typical on major stuff.

13 Q So that you would in addition to forwarding  
14 bids to Mr. Boll, you would also make some estimate as to  
15 who would be better, might be more reliable or whatever like  
16 that based on your -- if you had any feeling at all one way  
17 or the other?

18 A I would say I had very little say on who was  
19 hired and to do what jobs.

20 Are you referring to this particular item right  
21 here, this one?

22 Q No.

23 A In general I don't think you can classify this  
24 particular item as being in general a company policy, no.

25 Q You were consulted more on this particular item

1  
2 than usual?

3 A Anytime that anybody that I worked for this  
4 company wanted anything I was told to get it. The decision-  
5 making was left to the people in New Jersey.

6 I reported to my boss, and whoever he was at  
7 that present time he reported to Mr. Boll. At that present  
8 time Mr. Boll was my boss.

9 Q Would you make the recommendations yourself,  
10 would you make recommendations as to who was --

11 A On occasion I would, yes.

12 Q Directing your attention to page 2 of this, to  
13 item 3, it says about three by five, you were going to get  
14 a three by five file and start a file?

15 A Yes.

16 Q Did you do that?

17 A Yes, I did.

18 Q Those are suppliers you were making decisions  
19 about?

20 A These were suppliers that we purchased from,  
21 not that I necessarily made the decision about.

22 Q But if you needed gasoline for the forklift or  
23 whatever you would go and make notes about the gasoline  
24 supplier?

25 A That's right.



1  
2 Q On these cards?

3 Was your job as plant manager a fundamentally  
4 office job?

5 A No.

6 Q Were you then out doing the stuff as well?

7 A Certainly.

8 Q What physically were you doing?

9 A I could do any part of the entire plant  
10 operation.

11 Q And during the ten years that you were plant  
12 manager were you doing the operations as well?

13 A Certainly I was doing them.

14 Q Did you during that period, did you and other  
15 people doing the plant operations wear hard hats?

16 A Yes.

17 Q Did you wear gloves?

18 A Yes.

19 Q What kind of gloves?

20 A Neoprene.

21 Q How come, how come you wore gloves?

22 A To protect your hands from the solvents.

23 Q Did your hands need protecting from the solvents?  
24 Really, I've never been there.

25 A I drive a truck, I unload, need neoprene gloves

1  
2 to protect my hands from the dirt, otherwise they would  
3 look pretty bad.

4 Q Did you in this period as plant manager wear  
5 other protective equipment?

6 A Other? Yes.

7 Q What else?

8 A Steel-toed shoes.

9 Q Anything else?

10 A Yes. After OSHA came in effect there were, you  
11 know, quite a number of regulations that we had to follow  
12 as far as protective equipment.

13 Q Did you wear eye protectors for yourself?

14 A On occasions.

15 Q Did you wear respirators on occasion?

16 A On occasion.

17 Q Have you yourself ever been -- in the whole  
18 course of your employment ever been injured on the job?

19 A Yes.

20 Q At Solvents?

21 A Yes.

22 Q And what were the occasions if any?

23 A In what?

24 Q What were the occasions?

25 A What were the occasions? I was burned.

2 Q How were you burned?

3 A By fire.

4 Q Where was the fire?

5 A At the incinerator.

6 Q What were you doing at the incinerator?

7 A Operating it.

8 Q Forgive my ignorance but what does it mean to  
9 operate it?

10 A I could explain it but I don't think you'd  
11 understand. I don't mean to be nasty.

12 Q What were you doing?

13 A At the time I got burnt I was looking from an  
14 observation platform and the hose ruptured and blew the  
15 sludge onto me and into the fire and it ignited back onto  
16 me, set me afire.

17 Q Is that the only example of injury that you  
18 yourself have suffered on the job at Solvents?

19 A That's the only one I have suffered.

20 Q Have other people to your knowledge been  
21 injured on the job at Solvents?

22 A There's been minor injuries, yes. Cut fingers  
23 and drums dropped on the foot. As a matter of fact, I  
24 stepped on a nail once which was in the maintenance room  
25 but --

There are always minor injuries on any job.

Q When you were plant manager then from approximately 1971 forward I gather from your remarks in regard to Exhibit 20 you worked at all phases of the plant operation in addition to overseeing everything?

A That's right.

Q You helped unload trucks?

A I didn't work eight hours a day at the plant operation but there were periods of time when, yes, I did perform all operations.

Q Before you were plant manager and acting plant manager before that, what was your title?

A Foreman.

Q As foreman what hours did you work?

A Usually 8:00 to 4:00 through the day, I did work night shift for a period of time.

Q But you had a straight day shift, you weren't on a rotating shift system?

A I tried a rotating shift, it didn't work. Some people it would work for, some it won't.

Q And over what were you the foreman, what was the -- did you supervise a bunch of people?

A If you can consider one or two a bunch, yes. This was a small operation. It doesn't require that much

1  
2 help.

3 Q What were the names of the people that you  
4 supervised?

5 A That I don't recall. Harold Banker worked for  
6 me for a long time.

7 Q Immediately before being promoted can you  
8 remember the names of the people who were working directly  
9 under you?

10 A No.

11 Q What did you do, did the entire crew that you  
12 worked with work on the day shift or did they have rotating  
13 shifts and you had a day shift?

14 A When I first went to work for them it was just  
15 a day shift, and as business increased it increased to two  
16 shifts. Eventually three shifts, and rotating shifts.

17 Q All the rest of that -- but directing your  
18 attention at the time immediately before you were promoted  
19 to acting plant manager when you were a foreman, were there  
20 other people working, did you have the same bunch of people  
21 working under you day in and day out?

22 A No.

23 Q So they would rotate their shifts, their shifts  
24 would rotate and yours wouldn't?

25 A That's right.

Q What were your jobs and their jobs in the team, what is it that you were doing as foreman there?

A Operating the plant.

Q What physically would you do, would you come in the morning at eight o'clock, punch in, and then what would happen?

A Go to the locker room and change your clothes.

Q And then?

A Go out in the plant and go to work.

Q What would you do?

A Whatever had to be done at the time, either dump stills, run the operating drying room. There is many many jobs to be done.

Q Did you operate the forklift?

A Yes.

Q Did you drive the truck?

A No.

Q Did you help put barrels on the trucks and take barrels off?

A Yes.

Q At this time did Solvents have those tank trailers when you were foreman?

A When I was foreman, yes.

Q Did you help fill those up and unload them?

2 A Yes.

3 Q When you were foreman did you ever -- help --  
4 clean out the incinerator?

5 A Yes.

6 Q I realize you may be right when you say I won't  
7 understand this, the incinerator had to be shut off when  
8 you were going to clean it out?

9 A Yes.

10 Q You go down into it to clean it out, is that  
11 right?

12 A Yes.

13 Q Was it open to the air?

14 A Yes, it was.

15 Q And when you went down in there was there a  
16 place, I'm trying to get a picture of where the sludge was  
17 being burned.

18 Would it come out someplace?

19 A Sludge was fed into the inside of the incinerator  
20 through a pipe.

21 Q And the ashes would be around where the feed  
22 was?

23 A The ashes would be -- not normally around where  
24 the feed was, no. They'd be on the opposite side as a matter  
25 of fact.

Q How often would the incinerator have to be cleaned out?

A Daily.

Q It was just once a day, daily, that it would be cleaned out or just a routine thing to be done every day or depending on how much it was used?

A Yes.

Q Pretty much a daily --

A Pretty much a daily thing.

Q Do you know how much material was being burned to require a daily cleanout, did you have some --

A I don't have any figures. It's been documented. There are figures on it I believe.

As far as remembering them, no, I don't.

Q You said that the floor of the incinerator was firebrick, is that correct?

A Yes.

Q That was firebrick from the time it was first put in?

A I believe it was.

Q Is this just regular brick, was it special brick mortar between it?

A Special brick, yes.

Q With mortar in between it?



1  
2 A Yes.

3 Q The sludge that came in was liquid, was fairly  
4 liquid, was it not, as it was put in there?

5 A Yes.

6 Q Enough so that it would flow?

7 A Yes.

8 Q Well, go to another area then.

9 I don't know anything about stills.

10 While you were plant manager did you ever take --  
11 did Solvents ever take shipments from New Jersey?

12 A Yes.

13 Q What sort of material was that?

14 A Material for recovery.

15 Q Did Solvents ever take material for disposal  
16 from New Jersey, did the plant in Southington ever take  
17 material from New Jersey for disposal?

18 A They may have a couple of times. I don't recall  
19 offhand. We take a lot of shipments from New Jersey.

20 Q Why would the stuff come up from New Jersey and  
21 why wouldn't they do it in New Jersey?

22 A That I don't know.

23 Q What sort of stuff -- would it be the same sort  
24 of stuff that you would process normally?

25 A It would be a still bottom.

Q Still bottom?

A If anything come -- I think it did once or twice. I don't know for what reason either.

Q But occasionally still bottoms would come up?

A I said once or twice, yes.

Q The regular stuff that came up from New Jersey?

A Was for recovery and returned to New Jersey customers.

Q Directing your attention to these documents, this is Exhibit Number 15 and also directing your attention to Exhibit 16.

Now I'm especially looking and directing your attention to these bills of lading in the back of 16. This is the period that you were foreman, is that correct?

A Yes.

Q In 1968?

A Yes, it is.

Q Do you believe that the amount of material being taken is an unusual amount of material in these particular times? Is that a regular sort of thing?

MISS PERCELL: Do you want to refer to one particular one?

MR. MILLSTONE: I want to refer to a series of them.

BY MR. MILLSTONE:

Q For example, 10/28, we have 50 drums at 75¢ each, and here we have 50 dirty empty drums and we have here 40 full drums and 40 dirty empty drums and here is 36 full drums and here is 50 drums.

Are these typical pickups from New England Barrel?

A Typical at the time, yes.

Q So that at this time when you were foreman 40 or 50 barrels a pickup could be expected from New England Barrel at any given time approximately, just looking at this?

A Approximately, I guess.

Q You think it wouldn't be unusual for them and when they would come you would help them load the 50 barrels, right?

A Not necessarily myself.

Q Not necessarily but usually?

A I wouldn't say usually either. Again, I wouldn't recall who loaded them. It could have been me, my helpers, could have been the manager.

Q But just went on as a regular sort of thing, similar quantities, slightly different in different years, '69 when you were still a foreman, is that correct?

1  
2 A Yes, I think I believe I was.

3 Q Thirty-six full drums are loaded here and just  
4 trying to get a sense of the quantity of material being  
5 given to New England Drum.

6 A The size of the load is obviously different  
7 trucks. He apparently changed to a smaller truck or increased  
8 to a bigger one which was the case maybe, but at the time  
9 this is typical, yes.

10 Q And then to look at those bills of lading from  
11 Environmental Waste -- I'm sorry -- from Ace here, were  
12 these regular amounts of pickup also? Was Ace regularly  
13 picking up 6,000 gallons in liquid and 190 in drums?

14 A Specific numbers?

15 Q Approximately, not this.

16 A Approximately at the time, yes, when he was  
17 hauling it could have varied.

18 Q How often would they come in?

19 A Again it could have varied as I said before.

20 When we had the backlog of waste he came every day and until  
21 it was cleaned out and then came on call.

22 Q When it was on call how often do you think you  
23 would need him?

24 A That varied, it could have been every day, every  
25 other day, every three days, depending on --

1  
2 Q But you would see him twice a week at a  
3 minimum?

4 A That I couldn't say.

5 Q Directing your attention to the time that  
6 you were first employed at Solvents and what was your job  
7 title, do you remember that?

8 A I was a chemical operator's helper.

9 Q And did you do the same thing then as you had  
10 done -- I'm sorry.

11 What did you do then?

12 A Same things I always did for them.

13 Q What was that?

14 A Charge stills, dump stills, working in drying  
15 room, work in the yard.

16 Q So that your duties remained essentially the  
17 same from the time that you were a helper to the time that  
18 you were a foreman, is that correct?

19 A Yes.

20 Q Directing your attention to this memorandum  
21 which has been identified as number 28, which is a memorandum  
22 about a meeting. It's from Mr. Marini.

23 Were you at that meeting?

24 A I don't believe I was.

25 Q You were plant manager at the time?

1  
2 A That very well could be. I attended very few  
3 meetings.

4 Q This was in 1977. Were you plant manager then?

5 A Yes, I was.

6 Q Do you remember as plant manager any contact  
7 with the State Department of Environmental Protection?

8 A Only when they came in the plant on inspection.

9 Q Do you remember the names of the people who  
10 would inspect?

11 A No, I don't.

12 Q Did you ever have occasion to talk to them about  
13 their inspections?

14 A Not generally, no.

15 Q And specifically does anything stand out in your  
16 mind about any conversation?

17 A No.

18 Q Do you remember when it was that the well water  
19 stopped being used for drinking?

20 A No, I don't remember dates on that.

21 Q Do you remember approximately if you were  
22 foreman at the time?

23 A I believe I was, yes.

24 Q Do you remember how the well water smelled  
25 before when you were still using it for drinking water,

3B

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was it smelling as though it were good water?

A Good water don't smell, not that I know of.

Q Was there any odor at all from the water?

A Prior to getting contaminated?

Q Before it was replaced, before it was replaced.

A Yes.

Q For how long was there an odor?

A I don't really know.

Q Were you --

A Perhaps a couple of months.

Q Were you drinking the water yourself?

A No, no one in the plant was drinking the water,  
no.

Q For how long?

A Whenever the odor was noticed.

Q It was the odor as far as you remember?

A As far as I remember it was the odor, yes.

Q That rang the bell?

A Yes.

MR. MILLSTONE: I have no further  
questions.

MR. CAREY: I've got a couple.

## CROSS-EXAMINATION

BY MR. CAREY:

Q Did you have anything to do with the decision to, excuse me, I'm Austin Carey. I also represent the Connecticut Fund for the Environment. I work in this place.

Did you have anything to do with the decision to remove the ashes which had been accumulated on the site?

A The ashes that I described on this?

Q Yes.

A Exhibit?

Q There came a time when there were removed, the ashes were removed and covered with gravel. Did you have anything to do with the decision to take the ashes out?

A Not really.

Q That's a qualified answer. Did you have anything at all to do with that?

A I was there when there were removed.

Q Did you play any part in making that decision to remove them?

A Not directly, no.

Q Did you play a part indirectly?

A Indirectly, I was the plant manager, I knew it was being done. I knew what the plans were. As far as the



1  
2 final decision, no.

3 Q Who revealed those plans to you?

4 A I'm not really sure who it came from, whether  
5 it was Mr. Marini or his boss.

6 Q It was one of your supervisors?

7 A It was one of my supervisors.

8 Q Who was responsible for scheduling the periodic  
9 cleanup of the sludge pit?

10 A I believe the final decision laid with the  
11 New Jersey office, Mr. Boll.

12 Q Did you play any part in the decision-making  
13 process?

14 A No.

15 Q Did you recommend from time to time that the  
16 pit be cleaned out?

17 A No.

18 Q Who advised New Jersey that the pit needed to  
19 be cleaned out?

20 A The manager.

21 Q That was you when you were manager?

22 A No, the pit was filled I believe before I  
23 became manager.

24 Q You're right.

25 A Again I'm not exactly sure of the dates but I'm

1  
2 pretty sure it was filled.

3 Q You said this morning that you put together  
4 the original daily inspection form.

5 Do you recall saying that?

6 A Whatever the form was there, yes.

7 Q You said you put it together in a hurry. Why  
8 did it have to be put together in a hurry?

9 A It only takes three minutes to do it.

10 Q Why did it have to be done in a hurry, any  
11 special reason?

12 A I did it because I was told to make one.

13 Q In a hurry?

14 A Then it was revised by my boss later on.

15 Q Was it to be done quickly?

16 A Not in the sense that you mean, no.

17 Q In what sense was it to be done quickly?

18 A Probably because I only had about five minutes  
19 to do it at the time.

20 Q It was done in a hurry because you didn't spend  
21 a lot of time on it?

22 A That's right, which is obvious.

23 Q Is it a fair statement to say that it was common  
24 knowledge around the plant that Ace was taking sludge to  
25 Bristol?

A I'd say it was common knowledge, yes.

Q What were the lines of authority for your  
salesmen or who were your salesmen's bosses?

A Until the company had a sales manager they  
reported to Mr. Boll.

Q Reported to New Jersey?

A To New Jersey directly, yes.

Q Did they ever report to you?

A No.

Q Did they ever report to anybody in Connecticut?

A No.

Q These were people, sales people for your  
operation?

A Yes.

Q At the time that Ace came around to tell you  
that they were desirous of working for you, who was hauling  
sludge before they got the job?

A New England Barrel may have been one of them  
that was hauling some. I'm not sure.

Q More than one person was doing it?

A I don't know for sure, I don't recall.

Q Were you unhappy with the people who preceded  
Ace?

A Were we unhappy with them?

Q Why did you switch?

A I believe because they were unable to dispose of it.

Q The people that preceded Ace were no longer able to dispose of it?

A I believe that is correct, yes.

Q Any idea why?

A No.

Q One of the sheets of paper we looked at today was an accounts payable form for Solvents Recovery of New Jersey?

A Yes.

Q One of the pages has a \$3,000 amount payable to New Jersey, do you recall?

MISS PERCELL: Excuse me, I think you misspoke because you said accounts payable for New Jersey and --

MR. CAREY: I may have misspoken.

BY MR. CAREY:

Q Accounts payable for Solvents Recovery Service of New England and one of the accounts you were specifically asked about was \$3,000 payable to New Jersey?

A Yes.

Q At any time while you were manager did you ever

1  
2 see an accounts payable for Solvents Recovery Service of  
3 New England?

4 A No, I don't think so.

5 Q Do you know whether New Jersey ever paid New  
6 England any money?

7 A That I don't know. That was an intercompany  
8 thing and I wasn't involved in that.

9 Q I'm going to get into a sensitive area now and  
10 anytime you want to you have the right to stop and talk  
11 with your lawyer.

12 A What lawyer?

13 Q You have a lawyer who is not here today?

14 A Right.

15 Q But if you feel you have to talk with a lawyer  
16 you're perfectly at liberty to do that.

17 A Okay.

18 Q You stated that you left Solvents Recovery on  
19 May 13th of 1980?

20 A I believe that's the correct date, yes.

21 Q At any time in connection with your departure  
22 from Solvents Recovery did you have occasion to discuss  
23 the reason for your leaving with any person acting for or  
24 on behalf of Solvents?

25 A Rephrase that again, please.

1  
2 Q Did you talk with any -- at the time of your  
3 departure from Solvents generally in the May, 1980 time  
4 frame, months before or months after, whatever, did you  
5 ever have occasion to discuss the reasons for your leaving  
6 the company with any person acting for or on behalf of your  
7 employer?

8 A I'm not going to answer that without an  
9 attorney present.

10 Q Would you like to consult with an attorney?

11 A If you want to follow that line of questioning,  
12 I better.

13 Q At the time you left the employment of Solvents  
14 Recovery did you ever have occasion to sign any documents  
15 arising out of or concerning the reasons for your leaving  
16 Solvents?

17 A I don't recall signing any document, no.

18 Q Did you sign anything at all?

19 A Not that I can recall, no.

20 Q At the time you left Solvents did any person  
21 request that you pay your employer any sum of money?

22 A I'm not going to answer any more questions  
23 without my attorney.

24 Q No question I could ask you now would you  
25 answer without an attorney?

1  
2 A Try me. What else can I say?

3 Q But you're not going to answer any other  
4 questions concerning the reasons for your departure?

5 A I would prefer not to, yes.

6 Q Well, do you refuse to answer them or are you  
7 just unhappy about it?

8 A I don't refuse if I had an attorney to advise  
9 me.

10 Q It's my understanding that you're not going to  
11 answer any of those questions without an attorney here to  
12 consult, is that correct?

13 A Not about -- I prefer not to about my departure.  
14 I'm not being hostile towards you or anyone else.

15 Q I understand that and I want you to understand  
16 that I'm asking these questions because the interests of  
17 my client require it. I have nothing personal with you  
18 either.

19 But it's my understanding based on what you have  
20 said that you are not going to answer any questions about  
21 the events of May, 1980, unless you have an opportunity  
22 to consult with an attorney?

23 A I will answer it as far as I was discharged for  
24 reason.

25 Q That's the only answer you will give?

1  
2 A That's the only answer I prefer to give without  
3 an attorney.

4 MR. CAREY: I would like to reserve  
5 this whole line of questioning.

6 MISS PERCELL: Fine.

7 MR. CAREY: I have nothing further.

8 CROSS-EXAMINATION

9 BY MR. KELLEY:

10 Q Referring to Exhibit 1, area "C", during your  
11 employment was that ever enlarged?

12 A No, other than what I stated before when it was  
13 being cleaned maybe a few inches at a time.

14 Q Do you remember the time that Mr. Mastrianni  
15 cleaned it out and it was covered up and so forth, was it  
16 ever filled in in parts?

17 A Prior to the final filling?

18 Q Yes:

19 A No, not that I know of.

20 Q Were you working when that final cleanup was  
21 done?

22 A Yes, I was working for the company.

23 Q Do you know the Mastriannis, the father and Bill  
24 and Richard?

25 A I know of them, not personally, no.



Q Do you know who was handling it for them, who handled their crews when they came onto your property?

A At the time, no, I don't recall who was handling it.

Q When the ash was removed from that other area where you pointed out before --

A Area "M"?

Q "M", do you know why it was removed?

A Yes.

Q Why?

A Because we put crushed stone in the area and it needed to be cut down a little bit.

Q But it was just because of the elevation of the property and not because of the ash itself?

A That's correct, yes.

Q While you were working for Scivents did you ever go onto the Marek property during your employment?

A Yes.

Q Did you go there to deliver barrels?

A Yes.

Q And you're familiar with the property as it is today?

A Not really, not.

Q Where would the barrels be delivered on their

2C\*(by Silver)

0007334

187

property?

A All I know is it was a gravel pit.

Q Just what would happen when you came in with the truck?

A We would back up to a big pit that they had dug a hole and a hole would be dug in the ground and the pit, the drums in there.

Q Just push them off the truck?

A Yes.

Q Was the sludge material ever dumped loose there, just, you know, came in with a tanker and opened the valve and let it flow out?

A Not out of the tank truck, no.

Q Did it come in in some other kind of --

A The sludge pit cleaning was deposited there, I don't know the number of times; one, two, three.

Q Did you ever observe that yourself?

A No, I did not.

Q But you knew that's where it went?

A I was told that's where it was going, yes.

MR. KELLEY: I have no further questions.

0007335

## CROSS-EXAMINATION

BY MISS PERCELL:

Q I have just a couple of clarification questions.

The two small pits located inside the building labeled "E" and "F" on this diagram, are they made out of cement?

A Yes.

Q Were they also made out of cement or something else?

A They were always cement to the best of my knowledge.

Q I have a lot of trouble understanding your description of how water run-off from the main pit "C" reached, I understand through a pipe to the smaller pit "D", is that correct?

A Not through a pipe, no, it was a pipe installed at pit "C" on an angle so it would trap any oil in pit "C", keep it there while the water would still run out of the pipe and then obviously cross the ground.

Q So that -- okay, that answers that.

The first thing I had as to that.

You stated at one point that you believed that the big pit must have overflowed at one time. Why do you

believe it must have overflowed?

A When the pit was nearly filled with sludge and there wasn't that much room for liquid, for water, there was a tremendous amount of water that came down into that thing from the higher elevation and before the pipe was installed obviously the thing would overflow.

Q So it would be water rather than sludge?

A It would be water, yes.

Q Do you remember noting the location of the culvert under the railroad tracks, could you?

A I didn't. I wasn't asked to.

Q Would you place the letter "Q", I believe that is Plaintiff's Exhibit 1.

A Well, first of all there is no railroad tracks shown on here.

Q True. The railroad tracks are close to here, should they be on here?

A They are very close to the Solvents' property. Actually, I think the only thing that separates it is the ditch that's been referred to.

Q Approximately where would the culvert be?

A Approximately in this area right in here.

Q You said that you had seen run-off go through that culvert. What was the nature of that run-off, was

that water or was it something else?

A. Rainwater.

Q. One of the documents, I believe it was a Water Resources Commission memo said that material collected at the edge of the concrete I believe covering pit "C".

Did you ever notice material collecting at the edge of that concrete slab?

A. I don't really understand what they're referring to.

Q. I don't know any better than you so I won't follow that out.

The only other questions I have are who was it that contacted you about coming here today?

A. Mr. Parise.

Q. So you spoke to Mr. Parise. Was that on the telephone about coming here?

A. Mr. Parise I believe talked to my wife first, then I had to call him back.

Q. Did you speak with regard to coming here today or with regard to this lawsuit over the course of the past year with any Solvents' attorney?

A. In regards to this lawsuit?

Q. Yes.

A. No.

Q At any time before you started speaking this morning you did not discuss this with a Solvents' attorney?

A No.

Q Did you discuss your testimony here today with Solvents' employees?

A No.

MISS PERCELL: I have no further questions.

MR. PARISE: I have a follow-up.

REDIRECT EXAMINATION

BY MR. PARISE:

Q When I contacted you or your wife, did we have any discussion as to the substance of your testimony?

A Yes.

Q We did?

A Wait a minute. I made a statement, I said, "I don't know what the hell I can tell you that isn't common knowledge." I made a statement. That was it.

Q Was that --

A End of discussion.

Q Beginning and end of discussion?

A Yes.

Q The rest of our conversation was the details with arranging a time for you to be available?

1  
2 A That's correct.

3 Q There was nothing else said?

4 A Nothing.

5 RECROSS-EXAMINATION

6 BY MR. CAREY:

7 Q Other than in connection with this lawsuit  
8 have you spoken with any Solvents' attorney?

9 A On this connection with this lawsuit I have, yes.

10 Q When was that?

11 A Three or four times within the past year.

12 Q And who did you speak with?

13 A Attorney Bob Hall.

14 Q What did you talk about?

15 MISS PERCELL: Objection.

16 MR. CAREY: What grounds?

17 MISS PERCELL: It's a discussion  
18 regarding a lawsuit and we have been through  
19 this before.

20 MR. CAREY: He's not an employee.

21 MISS PERCELL: Wait a minute, when did  
22 this occur? Was he an employee at the time  
23 and was it in connection with his employment?  
24 With Solvents? It might very well concern  
25 privileged matters.

MR. CAREY: We ought to explore that and find out.

MISS PERCELL: Furthermore, since he's already stated it wasn't in connection with this lawsuit, it's highly unlikely to be relevant.

MR. CAREY: The relevance objection is not germane here.

BY MR. CAREY:

Q In connection with what kinds of matters did you speak without getting into --

A You mean --

Q -- questions or privilege. What did you talk about?

A My discharge from the company. It was pertaining to my discharge from the company.

Q On all four occasions?

A Yes.

Q Did you talk about anything else?

A No.

Q What did he say to you about your discharge?

A He done most of the talking to my attorney.

Q What did he say?

A I was present. I don't recall word for word the conversation.



Q Generally what did he say?

MISS PERCELL: I think I have to object without knowing --

MR. CAREY: Nothing in the lawsuit has to do with the relationship between the company and a former employee and his relationship with a former employer. It's not privileged because there are third parties present.

BY MR. CAREY:

Q These conversations were had in the presence of your attorney, is that correct?

A Yes.

MR. CAREY: Third party present. It's not privileged as to you.

MISS PERCELL: Okay, at any rate.

MR. CAREY: Do you want to adjourn this and take it up?

MISS PERCELL: Are you seriously going to reconvene?

MR. CAREY: I'd like to look at the other depositions and see what comes out.

MISS PERCELL: You did reserve as to one set of questions.

MR. CAREY: I think clearly that this area has not been fully explored.

THE WITNESS: Can we go off the record?

(Discussion off the record.)

MR. CAREY: Let the record reflect that the deposition was adjourned, all right?

MR. PARISE: I want to state for Mr. Tatro that I would like to reserve the right to ask you additional questions if further documents are produced which have not been produced today, and I have not reviewed all of the documents. I would like to ask you further questions in the event that any other party requests your deposition as well as the United States, if the United States resumes this deposition on these matters as well as additional matters that may arise in new depositions or in newly produced documents.

MISS PERCELL: On behalf of Solvents Recovery, if material should arise from discovery from any of the parties or further depositions we also might want to reserve the opportunity to ask further questions of this witness.

MR. PARISE: Adjourned.

(Deposition adjourned at 5:15 p.m.)

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0007344

EXHIBIT INDEXPLAINTIFF'S EXHIBITS  
FOR IDENTIFICATION:Page

1	Map	9
2	Letter dated March 29, 1967	27
3	Interdepartmental Communication dated 5/25/60	31
4	Packet of daily plant inspections	42
5	Water analysis reports	52
6	Water analysis reports	52
7	Water analysis reports	52
8	Photostated copies of newspaper articles	64
9	Photostated copies of newspaper articles	64
10	Four-page interdepartmental memo dated March 12, 1968	67
11	Diagram of building entitled Concrete Yard	68
12	Message dated 5/15/63	70
13	Set of documents	71
14	Set of documents	71

EXHIBIT INDEXPLAINTIFF'S EXHIBITS  
FOR IDENTIFICATION:Page

15	Packet of materials	90
16	Packet of materials	90
17	Invoices	96
18	Floor cross-section	98
19	Test report dated December 23, 1969	98
20	Two-page memo from H. C. Boll to Al Tatro	98
21	Document	98
22	Six pages of miscellaneous	112
23	Letter dated July 28, 1977, from the State of Connecticut Department of Environmental Protection, with attachments, four pages.	112
24	Three pages of documents concerning Ace Septic Tank Service	117
25	Three-page document	123
26	Two letters dated November 9, 1977	129
27	Four-page Subject-To letter dated November 15, 1976	136
28	Two-page Subject-To letter dated June 3, 1977	138

EXHIBIT INDEX

0007346

PLAINTIFF'S EXHIBITS  
FOR IDENTIFICATION:Page

29	Memo dated July 28, 1977	139
30	Subject-To letter dated July 28, 1977	140
31	Indepartmental message dated 1/13/78	143
32	Subject-To letter dated July 21, 1978	143
33	Four-page Document concerning New England sales meeting of 7/25/79	144
34	Two-page document	147
35	Letter dated October 31, 1974 two pages.	147

0007347

WITNESS INDEX

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
MR. PARISE	4		191	
MR. MILLSTONE		151		
MR. CAREY		177		192
MR. KELLEY		185		
MISS PERCELL		188		